# AN ANSVVER TO A PRINTED BOOK, INTITULED, OBSERVATIONS VPON SOME OF HIS MAJESTIES LATE ANSWERS and Expresses. 931v

BY

DUDLEY DIGGS *Gentleman.*

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# AN ANSWER TO A PRINTED BOOKE, INTITVLED, OBSERVATIONS Vpon ſome of His MAIESTIES late *Anſwers and Expreſſes.*

933.

IN this diſcourſe concerning Regall authority, it is needleſſe to waſt time in declaring the originall, ſince it is granted to bee at leaſt mediately from God: Who intending the good of mankind, which was not to bee obtained without preſervation of order, hath therefore commanded all to bee ſubject to the lawes of ſociety, not onely for wrath, but for Conſcience ſake: not onely whil'ſt they enjoy the benefit of Governours, but likewiſe whil'ſt they doe ſuffer under ſome accidentall abuſes. The reaſon of which obligation may bee this: wee cannot reap the conſtant fruits of an eſtabliſhed policy, unleſſe by compact wee ſubmit our ſelves to ſome poſſible inconveniences.

Hence it followes, after a people hath by ſolemne contract deveſted it ſelfe of that power, which was primarily in them, they cannot upon what pretence ſoever, without manifeſt breach of Divine ordinance, and violation of publique faith, reſume that authority, which they have placed in another; to the end that being united in one, it may thence receive ſtrength, and bee enabled to protect all, as alſo to prevent thoſe fatall diviſions which attend multitudes, endued with equall power: where almoſt every one upon reall or fancied injuries undertakes to right himſelfe, and although before poſitive conſtitution this is not abſolutely unjuſt, yet reaſon informes us it is moſt fit by

some agreement to part with this native right in consideration of greater good, and prevention of greater evils which will ensue, and to restraine our selves from being Iudges in our owne cause.

It followes moreover, though the people should conceave they might live more happily, if the Kings prerogative were more bounded, his revenewes diminished (and it is no hard matter to perswade them to thinke so; to effect this, wants not so much rhetorique, as malice, since what is taken from the King, turnes to their present profit, though they often-times dearely pay for it, by disabling their King to provide for their security, it were high sinne to entrench upon his rights. For hereby they loosen the very sinewes of government, by receding from that compact, which crafty men (out of their owne private interests) perswade them they might have made more advantagious.

It doth no way prejudice Regall authority, that *God is the Authour of Aristocraticall*, hee may adde *Democraticall power* also. If these were not lawfull formes of government, their execution of judgement would bee sinne, and whil'st they punish, they would commit murder. Yet in these kinds, wee may observe more or lesse perfection according to the aptnesse they beare to those ends which States ayme at, which are safety and plenty. To have riches, and not bee able to defend them, is to expose our selves as a prey; to bee safe, and poore, is to bee securely miserable. Besides, if wee had leisure to looke back to the originall of Governments, wee might find that God was the immediate Donour of Regall power, whereas other formes referre to him, onely as confirming the peoples act. This the Authour cunningly dissembles, and therefore (treading in the steps of *Mariana* and *Buchanan*, sworne enemies to Monarchy) hee presents us with I know not what rude multitudes, living without lawes, without government, till such time, as out of the sense of their sufferings, which evidently proceeded from this want, they were inforced to fly to such remedies. However this fancy might passe for currant among such heathen Polititians as were ignorant of the originall of the World, and dreamed that the first men were bred as insects, out of the mud of the earth: whence that frequent mention in their writings of αὐτόχθονες, and *Aborigenes*; yet wee, who are satisfied with the history of the creation, cannot imagine, that Anarchy was before a regulated Government, and that God who had digested one *Chaos* into order, should leave the most noble creatures in a worse confusion: unlesse wee will deny to *Adam*, either that power or providence, which is naturall and ordinary in a father over his children; and granted by this Observer, *pag.* 18. to bee more then the King can challenge over his people. Wee find in this infancy of the World, upon the multiplying of mankind, Colonies were sent out, and a City was built by *Cain*. Those long-lived Patriarchs had this advantage, by be-

getting a numerous posterity, they might people a Nation out of their owne loynes, and be saluted *Patres patriæ* without a metaphor; the same being their subjects and their children. In relation to this, it was properly said by the Ancients, a Kingdome was but a larger family; *Aristotle* tels us, a Regall power belonged to the *Paterfamilias*, and accordingly *Homer*, Λυζάρ ἐγὼν δίκαιο ἄναξ ἔσομ' ἠμετέροιο.

So that it was then no more possible in right for such a people to choose their Rulers, then to choose their Fathers. Thus Regall power sprang first from Paternall, and *Trogus* made a truer observation then this Authour, when hee said, *Principio rerum* (as well as *gentium, nationumque*) *Imperium penes Reges erat.* And therefore may challenge more from God, and nature, then other formes of Government; and certainely it hath received larger elogies from God in Scripture, then any other can pretend to. To say nothing of the Kings of *Israel*, who are confest by the adversary to bee of Divine institution; very Heathen Monarchs are acknowledged by God himselfe to bee no lesse. Where hee cals *Nebuchadnezzar* his servant, *Ier.* 43. 10. and *Cyrus* his annointed. *Es.* 45. 1. Notwithstanding this, to the end I may give the clearest satisfaction, I have thought it fit not to take advantage from the Excellency of Monarchy, whether in regard to its antiquity (as being not much younger then man himselfe) or the severall commodities thereof. For the truth is, it were no excuse for such endeavours of innovation, were it the most imperfect goverpment.

I shall therefore take into consideration this Authours grounds in the method they lye, upon which hee would overthrow so ancient and well founded a Monarchy.

His first exception is; *The King attributeth the originall of his Royalty to God and the Law, making no mention of the grant, consent, or trust of man therein.* A groundlesse cavill; when God is first named, under what notion can hee apprehend, *Law*, but as an agreement of the people, deriving their power, and committting the Kiugdome to his trust? within few lines hee confutes himselfe; telling us, *That Law which the King mentioneth, is not to bee understood, to bee any speciall ordinance sent from Heaven by the ministery of Angels, or Prophets; (as amongst the Iewes it sometimes was) It can bee nothing else amongst Christians but the pactions and agreements of such and such politique corporations* ] if so, hee might have spared this observation.

*That Dominion which is usurped, and not iust, yet whil'st it remaines Dominion, and till it bee legally againe devested, refers to God, as to it's Authour, and Donour, as much as that, which is hereditary.* ] Vsurpation and unjust Dominion can give right to the Possessour; hee that looses a Kingdome by force may recover it by the same title. So *Athalia* in the seventh yeare of her raigne was slaine by the command of *Iehoida*,

and

and *Ioash*, annointed King, and restored to his right. Hee must againe answer himselfe. *pag.* 3. hee tels us, *Neither can the right of conquest bee pleaded to acquit Princes, &c. for meere force cannot alter the course of nature, or frustrate the tenour of law; and if it could, there were more reason why the people might justifie force to regain due liberty, then the Prince might to subvert the same. And 'tis a shamefull stupidity in any man to thinke that our Ancestours did not fight more nobly for their free customes and lawes, of which the Conquerour and his Successours had in part disinherited them by violence and perjury, then they which put them to such conflicts.* Is it not a cleare contradiction to say, that *God is the Authour and Donour of Dominion usurped, and not just, as well as of that which is hæreditary?* Certainely God being Lord proprietary of all, his donation transfers a full right to him on whom hee bestowes it. This deed of guift being knowne, it is not lawfull to endeavour a recovery. This was the case of *Reboboam*, who after the defection of tenne tribes, raised an army out of *Iudah*, and the tribe of *Benjamin*, in hopes to reduce them to obedience. But he was warned by *Shemaiah*
1. Kin. 12. the man of God, not to fight against his brethren, (not because it was unlawfull in it selfe, or the successe improbable, but for that this was from the Lord. As this was not (setting aside that extraordinary consideration) unlawfull; So neither was it, as hee is pleased to terme it; *A ridiculous attempt, to endeavour to reduce tenne tribes by the*
Vers. 21. *strength of two.* For hee had raised an army consisting of one hundred and fourescore thousand chosen men, which were warriers. And it may probably bee collected from the Muster-roll, which *Ioab* brought in to *David*, where the men of *Judah* were 500000. that those two tribes were able to furnish an army strong enough to bid all *Israel* battell. Besides as hee had lost them onely by harsh language, so hee might hope to regaine them, by faire promises. It may bee not unworthy our observation, what good consequences did attend the defection of these tenne tribes. Did they not presently fall away from the true God, as well as their King, and were they not shortly after led into Captivity?

This wee must observe, though force bee not law, yet if after conquest a people resigne their right in part, or in whole, by a subsequent act of consent, they are obliged to stand to those conditions, which they made perchance out of a probable feare of harder usage. For the law of God generally, and the Civill law in this case makes the act binding. That covenants should not bee violated, will appeare by the revenge God tooke in behalfe of the *Gibeonites*. The Children
2. Sam. 24. 9. of *Israel* suffered three yeares famine, and after this, seven of *Sauls*
L. si mulier. Sonnes were hanged to make an atonement for this breach of promise.
D. quod me Notwithstanding the *Gibeonites* had over-reached the Children of
a. eav. *Israel* by craft, yet they having sworne, were bound to performe

their Oath unto the Lord. *Doli exceptio* could not take off this obligation. That they were deceived, gave no right to them to imitate what they condemned, and to deceive againe. Thus wee see what speciall care God takes to preserve the faith of Contracts, He will returne aboundantly, what any mans honesty costs him; and therefore it is great reason, he that sweareth to his Neighbour, should not disappoint him, though it be to his owne hinderance.

After some generall truths, he comes to this issue. *The fountaine and efficient cause of power is the people, and from hence the inference is just, the King though he bee* singulis major, *yet hee is* universis minor.] This inference is most weake: the quite contrary may clearly be concluded. The people being the efficient cause of power (which can be no other way but by deriving their divided power, and uniting it in him) since they cannot retaine what they have parted with, nor have, what they gave away, it followes he which hath all their power, (I may adde his owne particular besides) must needs be greater and more powerfull then they. The truth is, he is now the onely fountaine of all power and Iustice.

But he offers us a proofe; *for if the people bee the true efficient cause of power, it is a rule in nature, Quicquid efficit tale, est magis tale.*] Strange that men upon such palpable Sophistry should endeavour to cast of Monarchy! Hee will be unwilling to follow the consequence of it. Hee hath an estate, which no question he would willingly improve, let him bestow it upon me, hee will make me rich, and himselfe richer. For, *Quicquid efficit tale, est magis tale.* I beleeve rather then part with his meanes, hee will finde an answer to his owne argument. By the same reason; one that entreth into his service, because he hath made him his master, shall conclude himselfe the better man, and challenge power over him. For, *Quicquid efficit tale, est magis tale.* But because to prove his reasoning absurd, is not fully to answer, I will shew the ground of this fallacy. The axiome is true, *ante effectum productum*, not alwaies after. So a sparke firing a Citie, was once, more fire then the houses, not so, after the whole towne is become one flame: or else thus, it is true in those agents, in whom the quality by which they operate is inherent, and from whom it cannot be separated: not true in those who by way of donation deveſt themselves of power or wealth. Because a thing cannot retaine a fulnesse, after it hath emptied it selfe.

If the King bee *universis minor*, then the people have placed a King not over, but under them; and they doe ill to Petition when they might command, they may require it from the Prince their Subject.

*Hence it appeares, that at the founding of Authorities, when the consent of Societies convaies rule into such and such hands, it may ordaine what conditions, and prefix what bounds it pleases.* This is most

tru-

true; and therefore I ſhall eaſily grant, the name King to ſignifie a perſon inveſted with different power, according to the varietie of laws in ſeverall Nations. His Majeſtie doth moſt freely acknowledge, and will conſtantly mainetaine what ever rights the Law doth give us; yet He is not bound to betray his owne. The truth is, we ſhould be equally miſerable under either extreame, if the Kings Prerogative ſhould ſwallow up the Subjects Right, or the Subjects Right the Kings juſt Prerogative.

*No diſſolution ought to bee of Rule conveyed by the conſent of Societies into ſuch and ſuch hands, but by the ſame Power by which it had it's conſtitution.*] This I grant, being rightly vnderſtood; but becauſe the ſenſe may bee eaſily miſtaken, I ſhall enlarge my ſelfe upon it. It is moſt agreeable to reaſon, that the ſame power ſhould by equall right, abrogate, as it did at firſt conſtitute. For it is not poſsible any body ſhould lay a neceſſary obligation upon it ſelfe to doe thus, when it had liberty to doe otherwiſe, except in relation to ſome other perſon; to whom I may part with that right I had, without poſsibility of recalling it. And this either by actuall donation; ſo when I have given away my money, I cannot challenge it as due on my repentance; or by promiſe, which is an earneſt of my performance. In theſe caſes I cannot uſe my liberty, becauſe it would be to the iniurie of an other, according to that rule grounded on great equity. *Nemo poteſt mutare conſilium ſuum in alterius injuriam.*

In a popular State there is but one ſimple power, and therefore the people upon conſent may eſtabliſh an Ariſtocracie, or Monarchy, when they pleaſe. But in the other two, where the Authority is placed in the hands of a few, or of one, there are two parties in the contract, and therefore even the whole people have not any power of diſſolving this Government, unleſſe this one, or thoſe few, will voluntarily reſigne up their power into thoſe hands from which they received it; and that ſuch reſignation be not to the iniury of a third party.

*It were ſtrange if the people in ſubjecting it ſelfe to command, ſhould aime at any thing but its owne good in the firſt and laſt place.*] No queſtion, rule and ſubiection (divided paternall powers finding it neceſſary to yeeld to one Regall, and inſtead of many, to ſubmit to one common father) did ſpring from reaſon directing man kind to its greateſt convenience. Therefore the people, ayming chiefely at their owne good, yet perceiving this was not to bee attained, except they had a common protector to adminiſter Iuſtice equally amongſt them, they found it neceſſary in a higher degree to provide for his good, in recompenſe of their ſecurity, and out of their particular eſtates, to grant to him honourable demeanes, to whoſe care and Iuſtice, they owed the peaceable poſſeſsion of all. So the good of either is mutually involved, and that the people may be happy.

they must first provide for the happinesse of their Ruler.

What followes, I shall thinke unworthy any answer. He breaks out into a most scandalous, and false invective against the late government. That the subject groaned under some grievances, cannot be denied; and we owe to the goodnesse of his Majesty, that we are free, even from the feare of them for the future. I speak sincerely, what I thinke, though the wit of malice should set before us the most exact table of all our sufferings, (let it not impose upon us what wee never felt) and compare us to any other nation of the Christian world, we in our worst times were least unhappy. Because we have no reason to be in love with any evills, I shall not endeavour to excuse them by comparison with our present miseries: Though neither be desirable, yet we are too sensible, which we have justest reason to complaine of.

*I hope under this word* [protect] *the King intends not onely to shield us from all kind of evill, but to promote us also to all kind of Politicall happinesse, according to his utmost devoyre.* ] I never before did apprehend in the word, *Protect*, this large notion; we may expect all happinesse from His goodnesse, we cannot challenge it from His duty. How should we conceive, that the Prince is obliged by oath to take care for his people in such a degree, as the most affectionate mother never yet tooke for her deareſt children. If it were so, then all his Majesties Royall ancestors, who did not provide for their people in such an high degree of happinesse, as he by the advice of this present Parliament hath done, were perjured, as having all taken the oath to *Protect*. Every particular subject hath a just title, and may challenge an interest in whatsoever is meant by the word, *Protection* : Is the King therefore bound to promote every particular person to all kinds of politicall happinesse? to advance all to honours, offices, power, command?

*Though all single persons ought to looke upon the late Bills passed by the King as matters of Grace, with all thankfulnesse and humility; yet the King himselfe, looking upon the whole state, ought to acknowledge, that he cannot merit of it, &c. all hath proceeded but from his meere duty.*] It was believed heretofore, the greatest happinesse of a Prince, that hee was able, and his greatest glory, to be willing to oblige his people. But now hee is made not capable of doing any courtesie. When hee hath done all that he can, he hath discharged the duty of a trusty servant. I am confident never any age was guilty of the like irreverence, and disrespect to Princes, as is shewne in this book. *If all single persons ought to looke upon the late bills passed by the King, as matters of Grace*, then they truely are so; for no obligation can lye upon a man, to believe things otherwise then they are. This ground destroyes the power of beneficence in a Prince, and the duty of gratitude in Subjects. Wee should think it very hard, if wee, who

are but ſubjects ſhould be dealt with by the ſame rule. All owe a duty to their King, to their Country; yet upon extraordinary ſervices we beleeve, wee deſerve well of both. The example of the Houſe of Commons will better inſtruct him, who have ſeverall times preſented their thankes, and humble acknowledgment of his Majeſties gracious favours; and have likewiſe received thankes from moſt Counties in the Kingdome, for procuring thoſe bills ſo beneficiall to the ſubject: and yet ſurely the truſt repoſed in them, by thoſe that choſe them, and the end for which they met, did no leſſe oblige them in point of duty to doe whatſoever might conduce to the generall good of the Kingdome.

*The King ought not to account that a profit, or ſtrength to him, which is a loſſe and waſting to the people, nor ought he to thinke that periſht to him, which is gained to the people.*] By the ſame argument the people may ſhare all that he hath, and he is bound to beleeve, hee hath loſt nothing. If King and people have ſeverall rights, what law is there, which binds the King *ſuo jure cedere*, and enables the people to preſerve their rights, nay to challenge his? And if they have not, but the intereſts of King and people be either altogether one and the ſame, or ſo inſeparably united, as they cannot be ſevered, then it equally followes, the people ought not to account that a profit or ſtrength to them, which is a loſſe and waſting to the King, nor ought they to thinke that periſht to them, which is gained to him.

*Regall dignity was erected to preſerve the Commonalty.*] it was ſo; For out of the ſence of thoſe miſeries, which the want of due adminiſtration of juſtice produced, routs became ſocieties, and placed an head over them, to whom they paid the tribute of reverence, for the benefit of Protection.

*But that which in the end is farre more honourable, and valuable in nature, and policy, then that which is the meanes.*] The concluſion implyed is, therefore the Commons more honourable then the Soveraigne. I will frame ſome other arguments upon the ſame principle, and ſee how he approves them. Angels are miniſtring ſpirits for the good of men, but the end more honourable, and valuable then the meanes, therefore men more honourable than Angels. Once more in a cloſer parallel; Chriſt is made the head of the Church for the ſalvation of man, *but that which is the end, is far more honourable, and valuable, &c. than that which is the meanes*; therefore man far more honourable and valuable than Chriſt. If any ſhould think theſe inſtances doe not fully conclude, becauſe the higheſt end of Angels miniſtration, and the obedience of Chriſt, is the glory of God; he muſt conſider, Gods glory is the ſupreme end of government alſo. And

therefore

therefore this being common to both, cannot difference the caſe. Though we grant, the good of the people is more valuable, he cannot hence infer a greater worthineſſe, or more power to be in them: though the ſafety of Patients is moſt to bee regarded, yet the Phyſitian is much better qualified to effect that end. Marriage was ordained for the lawfull procreation of children, that is honourable amongſt all men, we doe not read, this is ſo. The rule doth hold in ſuch meanes, as are onely valuable by that relation they beare unto their ends, and have no proper gooodneſſe of their owne. But a King is not ſo to his people; If we looke back unto his firſt extraction, when he was taken from among the people to bee ſet over them, wee muſt needes behold him even then as a man of ſome worth, honour and eminence which the ſuperaddition of Royalty did not deſtroy, but encreaſe. To be a meanes of his peoples preſervation, is very conſiſtent with the height of honour. The caſe is not unlike in the nobleſt profeſſors, the Divine, the Lawyer, the Phyſitian, compared to their ſeverall charges; they the meanes, theſe the ends; ſhall wee from thence conclude the poor client a better man, than his learned counſell, or the ſimple patient than his Doctor.

*This directs us to the tranſcendent* achme *of all politiques, to the Paramount law that ſhall give law to all humane laws whatſoever, and that is* Salus populi. ] How many Nations hath this abuſed principle brought to ruine and confuſion! It is unqueſtionable, in the conſtitution of all Governements, this is the prime end, as being moſt agreeable with the joynt intereſt both of Rulers and people. It is as much without doubt, that after Eſtates eſtabliſhed, the governours proportion all their Lawes to this end; For who that is wiſe will not provide for their ſafety, as well as hee can, in whoſe deſtruction his owne is involved? Notwithſtanding this, the multitude (not comprehending the reaſon which made all people commit themſelves, their lives, and fortunes to the truſt of their Rulers, who were wiſer, and therefore could better fore-ſee dangers, and had the greateſt ſhare in the preſent ſtate, and therefore would more carefully endeavour to prevent them) readily hearken to crafty men, who ſeeme to pitty their ſufferings, and tell them they are not ſo well governed as they might be, Thus *Abſalon* ſtole away the hearts of his Fathers Subjects. O that I were made Judge in the Land, that every man which hath any ſuite or cauſe, might come unto mee, and I would doe him Juſtice. There is little good to bee expected from thoſe, who will doe wrong, that they may have opportunity to doe right. Such men have great advantage on weake underſtandings, becauſe there is no ſtate wherein it might 2 Sam. 15

not be wiſhed that ſome things were amended, and they preſſe upon them preſent inconveniences, and frame ſome new forme, wherein they promiſe them, they ſhall be free from all, & therfore deſire their aſſiſtance in bringing this happy change about. The people full of great hopes cry up theſe men as the onely fit inſtruments of ſtate, who pretend only to take care for the publique; and though they have nothing, yet would be thought, not to deſire any thing. Having thus gained the affections of the people, their next worke is to pick a quarrell with great Officers (they conceave becauſe they accuſe ſo zealouſly, it will be preſumed they are innocent themſelves) that by diſplacing them, they may make roome for themſelves. If ſuch men will not eaſily out of their preferments, the people are acquainted, theſe are the only rubs, which ſtand betwixt them and an happy governement; theſe are the cloſe enemies to the State (and ſo much the more dangerous, becauſe they carry their malignant deſignes ſo ſecretly, they cannot finde prooſes againſt them:) *Salus populi* is now concerned, the whole Kingdome is in danger; no way to ſcape this imminent perill, but by tearing theſe men from the Prince, if in a Monarchy, or putting them out of the Senate, if in an Ariſtocracy. Amongſt theſe diſtractions, and unſettlement of Governement, what courſe is to bee taken? The beſt way I know, (but 'tis difficult) is to make the people wiſe, and make it appeare, there is no reall danger, except from their tumultuous endeavours to avoid thoſe which are imaginary. Let them rely upon their governours, who have moſt to loſe: (eſpecially if they have given them great and late ſignes of their affection to, & care of them) this is the moſt probable way of ſafety; but if they ſhould miſcary (which they can have no reaſon to ſuſpect) they will periſh with a great deale of diſcretion.

*It ſeemes unnaturall to mee, that any nation ſhould be bound to contribute its owne inherent puiſſance, meerly to abet tyranny, and ſupport ſlavery.*] The inconveniences of Tyranny conclude nothing againſt juſt Monarchs; Wee are acquainted onely with thoſe happy names of King and Subject. It is ſo farre from being unnaturall, that any nation ſhould be bound (by which I ſuppoſe hee meaneth conſent, from which an obligation naturally followes, for it is, as with him in the Comœdy, *voluntate coactus ſum meâ*) to contribute it's power to that end, that ſome have made it their choiſe, others their refuge. *Seneca* tells us, ſpeaking of the ſtate of *Rome* in *Iulius* and *Auguſtus* his time, *Salva eſſe Roma non poterat, niſi beneficio ſervitutis*. How is it againſt nature for the Turkes to be obedient to the grand Seigniour, or the French Peſant to his Prince? There may be reaſonable motives why a people ſhould conſent to ſlavery; as if in danger of a potent enemy, they could hire none on gentler conditions to undertake their defence; or if reduced to extreame want, they had not

wherewith to ſuſtaine themſelves, they may very probably, like *Eſau* paſſe away their birth-right, liberty. Wee finde an example of each caſe in holy Scripture. The Egyptians parted with all their money, and Cattell, and paſt away the right to their lands, and became ſervants to *Pharaoh*, upon this condition, that *Ioſeph* would afford them bread. And the *Gibeonites* bought their lives of the children of *Iſrael* with the price of their liberty, and thought they had a cheape purchaſe.

From the word *truſt* uſed by his Majeſtie, he gathers, *the King doth admit his intereſt in the Crown in part conditionate.* ] No ground for this collection: for there may be a truſt, and that is ſo much the greater, if free from condition. But the thing is true *de facto* in ſome ſence, and his Majeſty hath alwaies acknowledged, Hee is bound to maintaine the rights and liberty of the Subject: Yet wee muſt not ſo underſtand it, as if the right to His Kingdome were ſo conditionate, that it were capable of forfeiture upon a not exact performance of covenant.

*As for the word* elegerit, *whether it be future or paſt, it skills not much.* ] If he take notice of the concluſion deduced thence, hee may finde as much difference betweene the Tenſes, as betweene Demoeracy and Monarchy. But the *Conſuetudines*, which cannot referre to the future, undeniable evinces, it was meant of the time paſt, and the Oath in Engliſh is free from all ambiguity, rendring *conſuetudines quas vulgus elegerit*, by rightfull cuſtomes which the commonalty of this your Kingdome have. I may adde the different manner of the Kings anſwer, as it is ſet down in their Remonſtrance; Where to other queſtions which reſpect the future, the King anſwers in the future in this as referring to what is paſt, He anſwers *per verba de præſenti, Concedo & Permitto.*

*The King is bound to conſent to new lawes if they be neceſſary, as well as defend the old.* ] His Majeſtie never thought otherwiſe, but He is not bound to an implicite faith, to believe all neceſſary which is pretended to be ſo.

*The word* elegerit. *if it be in the preterperfect-tenſe, yet ſhewes, that the peoples election had beene the ground of ancient lawes and cuſtomes: and the peoples election in Parliament ſhould not be now of as great moment as ever, I cannot diſcover.* ] The election there ſpoken of is the election of the diffuſive, not of any repreſentative body, that with the tacite conſent of the Prince, and ſo of much other authority, and for the repreſentative, their ancient right is not denyed no law ſhall be abrogated, none enacted without their aſſent, But there is a mean between doing nothing, and all.

*The reſult of all is, Our Kings cannot be ſaid to have ſo unconditionate and high a propriety in all the Subjects lives, liberties, and*

*poſſeſſions, or in any thing elſe to the crown appertaining, as ſubjects have in the Kings dignity.*] The King pretends not to have any unconditionate propriety in the ſubjects lives, liberties, and poſſeſſions, hee would onely be allow'd it in his owne: And what hee can meane, by ſubjects having an unconditionate and high propriety in the Kings dignity, ſurpaſſes my underſtanding. It may ſeeme to ſpeak this wicked doctrine, that ſubjects may diſpoſe of the Soveraignty as they pleaſe, for this right an abſolute propriety gives.

*If the King had ſuch high rights as ſubjects, it were not lawfull or naturall for him to expoſe his life and fortune for his Country.*] How is it lawfull for ſubjects then to doe ſo? The people have as great, nay greater obligation of expoſing their lives for the King. This appeares by the Proteſtation, as alſo by the ancient oath of fealty at the Coronation, *Ie devſtre voſtre Liege de vie, & de biens, &c. Sir* Hen. Spelman gives us a forme of *ſacramentum ligiantiæ* ſtill in uſe. *Tu I. S. jurabis quod ab iſta die in antea, eris fidelis & legalis (leaux) domino noſtro Regi, & ſuis hæredibus: & fidelitatem & legalitatem (Leaultie) ei portabis de vita & de membro, & de terreno honore, & quod tu eorum malum aut damnum nec noveris, neb audiveris quod non defendes (i. e. prohibebis) pro poſſe tuo, ita Deus te adjuvet.*

I cannot imagine any poſſible colour for ſuch an inference; I would ſooner make a rope of ſand hang together. May not a tyrant expoſe his life in defence of his ſlave, without breach of any law? He doth but defend his owne goods, for the Scripture calls his ſlave his money. His owne inſtance confutes him, *bonus paſtor ponit vitam pro ovibus ſuis*; for it is evident, this good paſtor was our Saviour, abſolute Lord of his flock.

*Parliaments have the ſame efficient cauſe as Monarchies, if not higher.*] what, higher then the law of God and of the whole land? *yes, for in truth the whole Kingdome is not ſo properly the author as the eſſence is ſelfe of Parliaments.*] juſt as a Proctour is the eſſence of him for whom he appeares, or an Ambaſſador is eſſentially the King: But ſuppoſe it true; this declares the materiall cauſe, proves no greater dignity in the efficient. But the reaſon is to come, *by the former rule* (he had no good fortune with that before) *'tis* magis tale, *becauſe we ſee* ipſum quid quod efficit tale,] what, *magis tale* in eſſences? or can a thing be *magis tale* then it ſelfe? This I conceive is beyond the ſenſe of the Houſe, However this confeſſion and the rule *quod efficit tale eſt magis tale* ſubjects the Parliament to the people, as well as the ſame rule would doe the King; and proves as well that the Parliament is *univerſis minus* though it be *ſingulis majus.*

*Parliaments have alſo the ſame finall cauſe as Monarchyes, if*

*not*

*not greater.*] what greater then *ſalus populi*, may *then to promote the Subject to all kind of Politicall happineſſe*, which he told us, was *the end and duty of a King?* His reaſon is, *publique ſafety and liberty could not be ſo effectually provided for by Monarchs till Parliaments were conſtituted*, This proves not the end higher, but ſhewes they are good helpes in government, which is readily granted.

*Two things eſpecially are aimed at in Parliaments, not to be attained to by other meanes.*] Not ſo eaſily attained indeed; but certainly many Kingdomes have injoyned a moſt high degree of civill happineſſe under arbitrary Monarchs, who knew no Parliaments. Such as have abundantly ſatiſfied [*the intereſt of the people*;] and in all weighty affaires [*adviſed with the ableſt councellors.*] Two other ends might have been named as eſſentiall as thoſe; which are to ſupply his Majeſties wants by ſubſidies, and aſſent to the abrogation of old lawes, and enacting new, as neceſſity ſhall require.

*In the ſummons of Edw. 1. (claus. 7. m. 3. dors.) we ſee the firſt end of Parliaments expreſſed: for inſerts in the writ, that whatſoever affaire is of publique concernment, ought to receive publique approbation, Quod omnes tangit, ab omnibus approbari debet*; or *tractary.*] I have not the convenience of examining this record, and therefore cannot be able to ſatisfie my ſelfe in circumſtances, which perhaps might afford ſome light to the cleerer underſtanding of this rule, For the preſent therefore, I will allow it to be certaine law (though he would not be willing I ſhould have the ſame liberty, and argue the legality of a thing, from a Princes bare affirmation) and ſee what advantage he can make of it. It ſeemes to me to be deduced from an evident principle of reaſon, and to flow hence; it is againſt equity, that the act of one, ſhould prejudice another without his conſent, There is much caution required to the managing this rule, For if it be vnderſtood in its full latitude, without all limitation, it will diſſolve the bonds of Government, by reducing us to that primitive ſtate, wherein every one had abſolute right, to diſpoſe of his own as he pleaſed, therefore we muſt take into conſideration, that multituds finding a neceſſity of Government, did reſtraine this native right by poſitive Conſtitutions. ſo that in the beſt governed ſtates, the greater part of men were preſumed by a fiction of law, to handle and approve ſuch things as they never heard of. The ground of which fiction is very reaſonable; for the people though they are not adviſed with, may well be ſaid to conſent to what their rulers do, becauſe they have entruſted them with their ſafety, which without this power convaied into ſuch or ſuch hands, could not be ſo effectually provided for. Thus in abſolute Monarchies, what princes doe

is legally the act of all: thus in our Kingdome two hundred thousand debate and approve things by the ſuffrages of two; who many times vote quite contrary to their deſires who have intruſted them, and yet the people ſhall be ſaid in Law to affirme, what really and in truth they doe deny. The reſult of all is this: thoſe things which the law doth require ſhall be tranſacted onely by Parliament, the people do handle and approve of by their Knights or Burgeſſes: in thoſe things which the law hath intruſted, the King with (many of which concerne the good of the whole) what he does, is their act. Hence it may appeare, the Kings writ, by which he calls the Houſes together to conſult *de quibuſdam arduis & urgentibus negotiis* is no waies oppoſite to this ſuppoſed law, underſtood with due limitations. The deſire of the Commons in the Raigne of *Edw.* 3 ſeems to me fully to juſtifie the ſame; which was, that they might not adviſe in things *de queux ils n'ont pas cognizance*. The matters in debate were of no ſmall concernment, being no leſſe then the ſetling inteſtine commotions, guarding the marches of *Scotland*, and the Seas. But the anſwer is; *herein they renounce not their right of conſent; they onely excuſe themſelves in point of Counſell, referring it rather to the King and his Counſell.*

Here then we have the judgement of the Houſe of Commons. that in affaires of ſome nature, and thoſe too very much concerning the ſafety of the whole Kingdome, there may be fitter Counſellors then they are. I had conceived *n'avoir pas cognizance*, had not ſignified to be ignorant, or not to underſtand things ſo throughly, ſince *Cognizance* uſes to be taken in a law notion, and to ſignifie a right of handling matters judicially, or power and juriſdiction, as *Cognizance* of *Plee*. We meet with a very obſervable paſſage and which will give us great light in this buſineſſe; it is to be ſeen in a diary (*MS.*) of the Parliament held 1 *Hen.* 4. *Et le lundy enſuivant ſe. Lendemayn des almes, les communes prient q'eux ne ſoyiant pas entrez en les rolles de Parlement come parties as juggementez quex ſount donez a ceſt Parlement, mes la on ils ſonntin rei veritate partie et prive: a cella, qar les juegementz apartyunt ſolement du Roy, ſoſq' la on aſcun juggement eſtrendus ſer vn eſtatute featu par le commune profitz de Royalme.*

*Le quel fuiſt grante*

In Engliſh thus.

And the Monday following *Scil:* the morrow after *All-Soules day*, the Commons prayed that they might not be entered upon the Rolles of the Parliament as parties to any judgements given this Parliament, ſave only where, *in rei veritate*, they are part and privie thereto: for that the judgments appertaine only to the King except

where any judgement is given upon a Statute made for the common profit of the Kingdome.

The which was granted.

*How this ſhall derogate from Parliaments, either in point of conſent or counſell I doe not know, for at laſt they did give both, and the King would not be ſatisfied without them, and the paſſage evinces no more but this, that that King was very wiſe and warlike, and had a very wiſe Councell of war, ſo that in thoſe particulars the Commons thought them moſt fit to be conſulted, as perhaps the more knowing men.*]

The concluſion which more naturally followes, is this; when the King requires, and will not otherwiſe bee ſatisfied, they may adviſe in matters not properly of their cognizance. The concluſion by which hee thinketh he hath gained ſo much, may without any inconvenience bee aſſented to, Theſe words, *ad tractandum, ordinandum, faciendum, doe fully prove that the people in thoſe dayes were ſummoned* ad conſenſum, *as well as* ad conſilium. Be it ſo in thoſe things which belong to their cognizance. The formes which are uſed in paſſing a Bill confeſſe ſo much: *Les communs ont aſſentés*, and *les ſeignieurs ont aſſentés*.

I have not yet done with his rule, *Quod omnes tangit, ab omnibus approbari debet*. It is true, the moſt popular State could never punctually obſerve it. For ſome of the poorer, and ſome of the younger ſort, and women generally, by reaſon of their ſexe, are excluded; yet all theſe having lives to loſe, are concerned in the publique ſafety. But with what equity can hee then thinke a conſiderable party of this Kingdome can bee denied the benefit of that, which he conceives a moſt reaſonable Law? I meane the Clergy, who certainly cannot deſerve to forfeit the priviledge of common men, becauſe they are more immediately the ſervants of God.

His next endeavour is to ſhew that Parliaments have beene much leſſened, and injured of late by ſome paſſages in his Majeſties Anſwers. But he can never make it appeare, that any part of their truly ancient power is denied to them. The Kings words are, (what the extent of their commiſſion is, and truſt is, nothing can better teach them then the Writ wherby they are met) we called them (and without that they could not have come together) to bē our Counſellors, not commanders; for how ever they frequently confound them, the offices are ſeverall. The Writ runnes, *ſuper dictis negotiis tractaturi, veſtrumq; conſilium impenſuri*; So that the clear meaning is, their advice is not Law, except the Royall aſſent eſtabliſh it into an Act.

Tis alledged, he calls them *Counſellors not in all things*, but *in quibuſdam arduis, &c.* and the caſe of *Wentworth* is cited, who being a member of the Houſe of Commons, was committed by Queene *Eli-*

*zabeth* but for propoſing, they might adviſe the Queene in a matter ſhee thought they had nothing to doe to meddle with. Hee anſwers, *A meere example (though of Queene Elizabeth) is no Law.* It is true, a bare example ſhewes onely what was, not what ought to be; but when grounded on authority, and no way excepted againſt by thoſe, who have alwayes beene earneſt defenders of their priviledges, it may bee reckoned amongſt ſound preſidents. What hee addes, that *ſome of her actions were retracted,* is a confirmation of this; for this being out of the number, it ſeemes it was accompted Legall. *Exceptio firmat regulam in non exceptis.* Yet neither did the King ſo quote this preſident, as to build a right upon it.

He alledges, *The King denyes the aſſembly of the Lords and Commons, when hee withdrawes himſelfe to be rightly named a Parliament, or to have any power of any Court, and conſequently to be any thing, but a meere convention of ſo many private men.*]

This is falſely impoſed on his Majeſty; his Anſwers and Meſſages ſpeake the contrary, which are directed to both Houſes of Parliament. Beſides, hee hath paſſed ſome Bils ſince his withdrawing. All that he affirmes, is, that the ſole power of making or repealing Lawes, and altering any thing eſtabliſhed is not in them, but if hee, upon mature deliberation ſhall preferre the preſent government to the propoſed change, then their order is not to have the force of Law, and oblige the Kingdome.

*The King is ſaid to aſſert, That becauſe the Law hath truſted him with a prerogative to diſcontinue Parliaments, therefore if hee doe diſcontinue Parliaments, to the danger or prejudice of the Kingdome, this is no breach of that truſt, becauſe in formality of Law, the People may not aſſemble in Parliament but by his Writ.*]

This is groſſe forgery: if it appeare to him neceſſary, or expedient for the Kingdome, he acknowledges, hee is obliged by that truſt repoſed in him to iſſue out his Writs. And to this end hee graciouſly ſigned the Bill for a trienniall Parliament, which like Phyſicke well timed, may preſerve the body of this State in health and ſtrength, by not ſuffering ill humours to grow to any head.

Another aſſertion of the Kings, hee ſayes, is, *If the Parliament make any tranſition in other matters, then what hee pleaſes to propoſe, they are lyable to impriſonment at his pleaſure.* All this hee collects from the citation of *Wentworths* caſe. The ſenſe of his inference is this: becauſe they cannot juſtifie the meddling with things, which belongs not to their cognizance, therefore they may be puniſht if they meddle with thoſe that doe. We may obſerve an affected miſtake in this Author, of which hee makes frequent uſe; and this animadverſion, though

once

once laid downe may often bee applied, whatsoever the Houses doe, he calls that, the Act of the People, whereas the truth is, they represent them onely to some purposes and ends. So that if they exceed their Commission, and vote things not belonging to their Cognisance, the People by no meanes is engaged in it, as having no Legall way of oppressing themselves, in such cases.

His Majesty clearly to prove that the trust committed to both Houses, cannot binde him to assent, to what ever they propose; seeme it of never so dangerous consequence to the Kingdome, nor absolve him in point of conscience, if his reason tell him, his people will extreamly suffer under the grant, argues thus, it is impossible that the same trust should be irrevocably committed to us, and our Heires for ever, and the same trust, and a power above that trust (for such is the power they pretend) be committed to others: did not the people that sent them, looke upon them as a body but temporary and dissoluble at our pleasure? And can it bee beleeved that they intended them for our Guardians and Comptrollers in the managing of that trust, which God and the Law hath granted to us, and our Posterity for ever?

Strange it is, that affection should so blinde the understanding, and worke mens beliefe not according to reason, but desire! I must needes thinke, the let lies onely in his will, else he could never satisfie himselfe with such weake answers. *It is true*, saith he, *two Supreames cannot be in the same sense and respect.*] If hee had not hoped to hide himselfe in generalls, hee would have descended to particulars, and told us, in what sense, what respect, and what matters the King was Supreame, in what the two Houses. But an application would have discovered the truth even to weake understandings.

*Nothing is more knowne or assented to then this, that the King is singulis major, and yet Universis minor.*] I have already evinced the contrary; yet I will speake something to it here. By *Universis* hee must meane the representative all, which therefore hee concludes to bee above, and to have greater power then the King, that is such a power as hee is bound to obey. So it seemes the King hath taken the Oath of Allegiance as well as wee, and wee may call him our fellow Subject. Yet the Oath of Supremacy, hee tells us, *is no waies endangered.* The sense of his reason is, *because hee is a better man then any one of us, take us single.* Hee tells us, hee is better then any one, hee does not tell us, hee is better then two; if the Kings Supremacy bee no more then this, it is no more then possibly hee might have, and probably had before hee was King. Is not the Prince *singulis*

 *major?*

*major*? Nay, may not any Lord in the Land challenge the ſame Supremacy over all the Knights, any Knight over all Eſquires, to be *ſingulis major*, though *univerſis minor*? But perhaps ſome other limitation may be found out, the meaning ſhortly ſhall be, that he is above the Pope in theſe his Dominions, not but that he is under his Subjects. To take off theſe, and all other corrupt gloſſes, I ſhall referre him to Cap. 12. *Viceſ. quart Hen* 8. In the Preface of which Statute, the Kings Supremacy, not over ſingle perſons, but the body Politique, is clearly delivered. The words are theſe; *Where by divers, ſundry, old, authenticke Hiſtories and Chronicles, It is manifeſtly declared and expreſſed, that this Realme of England is an Empire, and ſo hath been accepted in the world, governed by our Supreame head and King, having the dignity and Royall Eſtate of the Imperiall Crowne of the ſame: unto whom a body Politique, compact of all ſorts and degrees of People, divided in termes, and by names of Spiritualty and Temporalty, have been bounden and owen to beare next to God a naturall and humble obedience.*

If there were no King at all in England, you would call this Government, an Ariſtocracy; and why, I beſeech you, doe you not confeſſe that name now, ſeeing the thing is altogether the ſame? For if they give his voice, tis all one, as if he had no voice; if their power muſt overrule his, tis all one, as if he were diveſted of all. Nay, why is it thought fit to ſend to him, and ſollicite his conſent, when it is legally paſt, in that the two Houſes have voted it? Why to all publicke Bills doe they require this confirmation, *Le Roy, le voet?* (Is it onely for the ſame reaſon that *Bellarmine* gives, why the Pope being alone infallible, calles Generall Councells, *ut res ſuavius tranſigatur*?) Suppoſe he ſhould returne in anſwer, that of *Seneca, Si vultis ſcire an velim, efficite ut poſſim nolle.* Thus though he plead for a new government, he is aſhamed to owne it by the right name. For he tells us, not without ſome indignation at the very thought of ſuch an innovation, [This new Ariſtocraticall fabricke cannot ſeem to any impartiall man, but as empty a ſhadow, as aiery a dreame, as ever mans fancy abuſed it ſelfe withall?] I dare ſay, he cannot meet in all Hiſtories and Records (except of ſuch Parliaments as have depoſed Kings, which he confeſſeth no free one ever did) with one example of this nature, that the two Houſes ſhould pretend to a power, which muſt of neceſſity overrule the King. Indeed a reaſonoble man cannot imagine, any Preſident poſſible; becauſe, ſince the Law hath given the King a power, by diſſolving the Parliament, to take away that power, (as is pretended) greater then his owne, if they had ever made claime to ſuperiority over him, he would quickly have put an end to that diſpute. Before this power bee challenged, it would be fit to Vote downe that clauſe in a Law made 2 *Hen.* 5. cited by his Majeſtie,

*That*

*That it is of the Kings Regality to grant or deny ſuch of their Petitions, as pleaſeth himſelfe.*

Yet notwithſtanding this, he muſt be *univerſis minor*, [For this we ſee in all conditionate Princes, ſuch as the Prince of Orange, &c.] I never knew he had Regall power before. This inſtance abundantly manifeſts his deſigne, though he is pleaſed to ſay, [He ſpeakes nothing in favour of any alteration, but is as zealouſly addicted to Monarchy, as any man can without Dotage.

"To the moſt abſolute Empire in the world, this condition is moſt na-
"turall, and neceſſary, that the ſafety of the people is to be valued above
"any right of his.

It is againſt common ſenſe to ſuppoſe a King that is in his wits (mee thinks all good people ſhould take to heart thoſe deſperate concluſions, which are built upon moſt unreaſonable, and moſt unworthy ſuppoſitions of a King that is mad, or a childe; ſince never Subjects had greater obligation to be thankefull to Almighty God for giving them a Prince, as eminently able, as vertuous) who will not provide for the ſafety of his People; nay, who will not part with ſome of his right, rather then they ſhould periſh, becauſe in their deſtruction he loſes all. Yet this does not prove, a King ſhould part with his rights, as often, as they will pretend to be in danger. If this were once admitted, what wild plots would be invented, what ſtrange intelligence would be received from invisible Spies? And as often as crafty men were ambitious or covetous, ſo often the ſilly people were to be frighted.

*Since all naturall power is in thoſe who obey, they which contract to obey to their owne ruine, or having ſo contracted, they which eſteeme ſuch a contract before their owne preſervation, are felonious to themſelves, and rebellious to nature.*]

He cannot meane any people contracting to their owne certain ruine; there never was Government guilty of this madneſſe: therefore hee muſt underſtand a contract to a poſſible ruine; as for example, an agreement patiently to ſubmit themſelves to the ordinary tryall of Law, and to ſuffer, if it ſhould ſo fall out, though under an undeſerved Sentence. In this caſe, he that doth not make reſiſtance, and preferre his preſervation to his contract, is pronounced *Felo de ſe*; and a rebell to nature. Unhappy thiefe who for felony is condemned to bee hanged, and will be guilty of another felony in being hanged! What way is left unto innocency? He muſt kill as many as he can in his owne defence, ſo ſhall he eſcape or dye in the Quarrell; either way he hath done right to nature. Let us put another Caſe; an innocent man by the ordinary courſe of juſtice is adjudged to dye, upon the teſtimony of two bearing falſe witneſſe: He was free from fault before; now he is in ſome danger,

except he refuſe to be puniſhed, he becomes guilty, no leſſe then a ſelfe-murtherer. I wonder what opinion this man hath of Martyrs who value not their owne preſervation; can he thinke, by ſubmitting themſelves into one fire, they deſerve to be caſt into another? Nay, what of Chriſt himſelfe? who certainly ſuffered moſt injuriouſly, and though he had ſtrength enough to preſerve himſelfe, and could have beene aſſiſted by an Army of Angels, yet he was obedient to Death. I cannot imagine from what principle he ſhould draw ſuch a concluſion, unleſſe it be from this (whence indeed moſt of his Booke will naturally flow) that there is no ſuch thing as juſtice, but *Suprema Lex*, the Paramont Law, is profit; and the faults of men conſiſt in the not violation of contracts, in the not breaking promiſes, if they be for their diſadvantage: for it were a ſinne againſt Native liberty to make our ſelves the ſlaves of juſtice.

If wee examine the ground of this Doctrine moſt deſtructive of all commerce, all government, we ſhall diſcover it to be no other but this, that the Law of Nature doth allow a man to defend himſelfe, and provide for his own preſervation. But the Obſerver takes no notice, that it is in our power to part with this right, and yet doe nothing contrary to nature, if reaſon tell us, wee ſhall thereby obtaine a more excellent good, the benefit of Peace and Society; nay, that this reſtraining our ſelves by compact of that naturall liberty to defend our ſelves, will conduce more to that end, for which it was given us, our preſervation and ſafety. Becauſe in probability, we ſhall be in leſſe danger, living amongſt men who have agreed to be governed by certaine Lawes, then if every one followed his owne inclination: where one ſuffers hereby wrongfully, thouſands enjoy the benefit of being protected from wrong. And therefore though it ſhould happen to me in particular, to be condemned by the Magiſtrate without cauſe, I am bound to ſuffer patiently, becauſe having made ſuch a bargaine, which might have beene profitable, I have no right to recall it, when it appeares diſadvantagious. I owe, that I have beene ſafe thus long, to the benefit of this Covenant, and therefore am bound in juſtice to ſhare the inconveniences.

Rom. 13. If reaſon will not ſatisfie, perhaps Chriſtianity may. *Qui reſiſtunt Poteſtati, ipſi ſibi damnationem acquirunt.* To reſiſt the Magiſtrate, damnable. The Powers here ſpoken of were Heathen, yet Chriſt commanded his to be ſubject even to them. That anſwer (with which too many are deceived) cannot excuſe diſobedience and rebellion; this precept obliges private men, but not Magiſtrates, Since inferiour Magiſtrates being oppoſed to the ſupreame power are but as private men, and in this reſpect the reaſon of obedience is common to both. Neither is this

a hard

a hard Law, if duely considered. If wee suffer justly, wee have no reason to complaine: if undeservedly, we are punished, but not hurt. The Magistrate is *Dei minister nobis in bonum*, because God will abundantly reward us for our patient suffering in obedience to his command. *But this is against Nature.*] He must meane, nature guided by right reason; and doth that dictate, that rather then part with a temporall life, wee ought to forfeit an eternall.

*It is objected, that a temporall power ought not to be greater then that which is lasting, and unalterable.*] Hee does not frame the Kings argument aright; which concludes on this ground, that it is not probable the Laws should place a power greater then his in such a body, and yet leave it in his disposall, when to call that body together, when to dissolve it; that is to determine when and how long he would be over-ruled, and when bee King againe. His Majesty presses it farther (which hee dissembles) This trust being irrevocably committed to him, and his heyres for ever, it cannot be conceived, how it should sleepe, during the sitting of the Houses.

*But if this were so, the Romans had done unpolitiquely in creating Dictators, when any great extremity assailed them, and yet we know it was very prosperous to them, sometimes to change the forme of government.*] Hence wee may conclude it good policy, in imminent danger, to trust to a Monarchy, not an Aristocracy, and much lesse to a Democracy. The Romanes successe cannot bee imputed meerly to their change, but to this, that they altered their forme from worse to better (as to their present ends) But that will not justifie his desire of innovation from better to worse.

It is further objected, Hee sayes, if wee allow the Lords and Commons to be more then Counsellors, we make them Comptrollers, and this is not suitable to Royalty. Hee answers, *Wee say here, that to consent is more then to counsell, and yet not alwayes so much as to command, and comptroll.* True, not alwayes, but then it is, when their consent shall impose a necessity upon the King of doing the like. Hee hath not laid downe his Majesties words faithfully. The point he stands on is, that their advice is not his Law, neither is hee bound to captivate his reason, or submit his Conscience to their votes.

*Yes, it must bee so; because in Inferiour Courts the Judges are so Counsellors for the King, as that the King may not countermand their judgements, and yet it were a harsh thing to say that they are therefore guardians and comptrollers of the King; therefore it holds in Parliaments* à fortiori.

The reason why the King cannot countermand their judgements, is,

becauſe they ſuſtaine his perſon, and his conſent is by Law involved in what by Law they doe, and there would bee no end, if he ſhould undoe what hee hath done. *Authoritas rei judicate vim legis habet*; there can be no appeale from himſelfe to himſelfe. Hee therefore makes the Judges take an Oath, they will deny to no man Common right by his Letters, becauſe hee is not to paſſe ſentence in a private but in publique, and in a judiciall way. That it his his owne Act, appeares from this, that he delegates his power to them, and this is a
3:12. knowne rule, *Quod Rex facit per officiarios, per ſe facere videtur.* The truth is, Kings have a right, and heretofore they made uſe of it, to ſit in judicature perſonally. *Camden* tells us, that *Bancus Regius ita dictus erat, Quod Rex ipſe in eo preſidere ſolebat.* Sir *Thomas Smith* too
c.14. in his deſcription of England, *Subſellia Regia (vulgo Bancus Regius) ex eo ſortita ſunt appellationem, Quia ibi ipſi Anglie Reges ſedere conſueverunt.* This Court was called the Kings-Bench, becauſe the King ſate as Judge in it in his proper perſon. It removed with the King, as is to be ſeene 9. *H.* 3. *C.* 11. by which the Court of Common-Pleas is fixed. *Common-pleas ſhall not follow our Court, but ſhall be holden in ſome certaine place.*

Moreover the Judges ſweare, *They will not aſſent to any thing which may turne the King in damage or diſheriſon, by any manner way or colour*, 18. Edw. 3. When he can make theſe things agree to the two Houſes, hee ſhall conclude from the Judges ſentence to their Votes. But ſince it will clearly appeare, that they are not the mouth of the King, the Lords ſitting in a perſonall capacity, and the Houſe of Commons as repreſenting the body of the Kingdome (though not to all intents, and purpoſes) the inference muſt by no meanes bee granted. I ſhall adde this to make the anſwer more cleere, and to avoid miſtake: In matters of Law, there lyes an appeale to them (a Writ of Error being brought) as to the higheſt Court; not ſo in matters of State. Becauſe whiles they paſſe ſentence according to knowne Lawes, the State is no way indangered thereby, but if they challenge to themſelves a liberty of paſſing ſentence according to reaſon of State, they may when they pleaſe overthrow our Lawes. The Counties which intruſted them, looke upon them as Judges, nor Politicians.

*But wee ought not to conceive that they will either counſell or conſent to any thing, but what is publiquely advantageous.*] When the King conceives they doe not otherwiſe, Hee will moſt willingly follow their advice. This fallacy (though extreamely weake) hath influence on all his booke. He takes the two Houſes in ſuch a Notion, as not failing of their duty, but doing every thing, as they ought

and

and supposeth the King to be wanting to that trust which is committed to him.

*By such Counsell and consent wee cannot imagine the King limited or lessened.*

Such a consent, in which his is necessarily involved, renders his power not so properly lesse, as none at all; it doth not limit, but take it away. Pray put the case; a thousand pound is left to *Titius* and *Sempronius* to be bestowed upon joynt consent, *Sempronius* being just and reasonable, grants to *Titius* a Negative, so that without he will concurre, he confesses, he can doe nothing (the King doth not pretend to have power of repealing old, or constituting new Lawes without them) *Titius* not content with this Negative, affirmes *Sempronius* is bound to consent to whatsoever he thinks fit; if so, is not this money wholly at *Titius* his disposall? Can any one be so stupid, as to tell *Sempronius* notwithstanding this, he hath a full pewer? How did Ship-money destroy our Propriety, but by this very consequence? Law and reason informe us, that *Ejus est velle, qui potest nolle.* Hence *Tryphonius* determines, that a Captive cannot consent to his Sons marriage. Why? *Cum utique nec dissentire possesset.* And *Aristotle*, ἐν οἷς ἐφ' ἡμῖν τὸ κράττειν, καὶ τὸ μὴ κράττειν. *L. in bello* Parag. *Medio.* *D. de cap. tir. & postlim.*

*It is alledged, inderogation of Parliaments, whatsoever the right of Parliaments is, to assemble or treat in all cases of a publique nature; yet without the Kings concurrence and consent, they are livelesse conventions, without all vertue and power, the very name of Parliaments is not due to them.*

If this man had a mind to deale candidely, hee would deliver the Kings sense truly, and let him speak his own words. The summe of which is only this; The two Houses have not power of making Laws, and altering the established Government without him.

*But this allegation at one blow confounds all Parliaments, and subjects us to as unbounded a regiment of the Kings meere will, as any nation under Heaven ever suffered under.*]

Very Tragically expressed, and with high confidence, but not any colour of reason. For are we not left in the same state in which wee were? His Majesties denying to bring in a new Government, doth not take away the old. If he think it not convenient to alter that forme, which the least deceitfull argument, long experience under so many of his Glorious Ancestors hath proved happy, can any who is not in love with error, inferre hence, this subjects us to a Lawlesse, and most unbounded regiment?

*Upon the same reason by the Kings desertion, other Courts must needs be vertulesse and void.*]

It were a ſtrange conſequence to conclude, that becauſe that may be done without the King, to which His conſent by Law is not required, therefore that may be done without him, to which His conſent is by Law neceſſary. Many Kings have diſſented from Bills, yet the people were never ſo mad, as to feare a deſertion of all Courts. It is againſt common ſenſe to fancy, that he which enjoyes all by the benefit of Lawes, ſhould hinder the due adminiſtration of juſtice according to thoſe Lawes, and ſo wilfuly endanger not onely his rights, but ſafety, by putting his Kingdome into tumults and combuſtion. Every wiſe man may have as ſtrong ſecurity, he ſhall not ſuffer from the (onely not impoſſible) execution of ſuch a power, becauſe it is ſo manifeſtly deſtructive of the Kings owne intereſt, (and made evident to be ſo, as well by experience, as by reaſon) as any man can have reaſon not to be afraid of himſelfe, becauſe he hath a full power over himſelfe, and may deſtroy himſelfe when he pleaſes.

*The intent of the King is, that the great Aſſembly of the Lords and commons do not repreſent and appear in the right of the Whole kingdom; or elſe, that there is no honor, nor power, nor iudicature reſiding in that great, Maieſticall Body, then which ſcarſe any thing can be more unnaturall.*]

A moſt impudent collection; the meaning in briefe is onely this; when the particular conſents of three are neceſſary, its not in the power of any two, to effect whatſoever they pleaſe. A moſt prudent eſtabliſhment in favour of preſent Government, that we may have no Innovation, without the mutuall agreement of King and people.

*It is attempted to divide further betweene part and part in Parliament.* Who theſe attemptors are, I inquire not. I ſuppoſe, he meanes thoſe who divided the Lords into good and bad, the members of the Houſe of Commons, into well and ill affected. *So making the maior part, not fully concluding.* They are not denyed to conclude as farre as the power of that Houſe extendeth, but this cannot reach to an abſolute and finall deciſion.

*It is a Wonderful thing that the Kings Papers being fraited ſcarce with any thing elſe but ſuch doctrines of diviſion* (tis more wonderful, that in a well governed State, ſuch diſ-reſpectfull language of Princes, from private pens, ſhould paſſe unregarded, unpuniſhed) *tending all to the ſubverſion of our Ancient fundamentall Conſtitutions, which ſupport all our Ancient Liberties, and to the erection of Arbitrary rule, ſhould finde ſuch applauſe in the World.*]

There is a vaſt difference betweene declaring what diviſions are and cauſing them to be; to ſhew, is not to teach Diviſion. But it is beyond admiration if the Kings aimes are ſuch, as he would have the world believe, that they ſhould finde ſuch applauſe. Eſpecially, if wee conſider

fider the Perſons from whom; men that have much more to loſe, then ſome who may ayme at getting greater fortunes, by pretending they are in danger to loſe what they have; men that are knowne not to value their lives equall to their liberties; men of as great wiſedome, as honeſty, neither of which would permit them to be active to make themſelves miſerable, and pull upon their poſterity and country perpetuall ſlavery. What impudence of malice is it, to accuſe the king, to intend that, when all the world ſees, how much he hath ſuffered meerly to prevent it? Could our Anceſtors ever have beleeved, there ſhould come a king, who would plead for *magna Charta*; who would hazard his crown in the defence of the Subjects liberty, and deſire nothing more, then the utter abolition of all Arbitrary rule?

*If the King have parted from his Parliament, meerly becauſe they ſought his oppreſſion, and he had no other meanes to withſtand their tyranny, let this proclaime them a voyd Aſſembly.*]

His Majeſty never layd ſuch charge to the Parliament; yet it is moſt evident, there was too great reaſon elſe where to juſtifie his feares; when notwithſtanding his deepeſt proteſtations to maintaine the true eſtabliſhed Religion, they ſtill imputed to him inclining to Popery; when notwithſtanding his utmoſt endeavours to ſuppreſſe that unhappy rebellion in *Ireland*, and after the Houſes had taken that work into their care. His frequent preſſing them to ſend over ſufficient ſupplies, and not to ſpend their time in buſineſſes of little moment, whileſt their poore bretheen were dayly butchered, yet the people were made believ, He was a favourer of their bloudy Deſignes; when, the baſer ſort of the people, were permitted to come even to the Parliament, in clamorous, and unwarrantable multitudes, and there was a kinde of diſcipline in diſorder, tumults being ready at command, upon a Watch-word given; When ſeditious Pamphlets hourely came out, and many Preſſes laboured day and night to abuſe the King; when factious preachers were encouraged, whileſt they did caſt publike obloquies on the Lawes which ſtood in full force, and which if they had bin duely executed, would have juſtified themſelves, by reſtoring us to our former peace, and quiet, which we ſo long enjoyed, as we knew how to obey; when ſuch ſeditious fellows out of their pulpits did dare to ſtrike even at the higheſt, and with more boldneſſe, becauſe with leſſe danger, as meaning to fight with other mens hands.

[*If the king could bee more wiſely or faithfully adviſed by any other court, or if his ſingle iudgment were to be preferr'd before al adviſe whatſoever, 'twere not onely vaine, but extreamely inconvenient, that the whole Kingdome, ſhould be troubled to make elections, and that the parties elected ſhould attend the publique buſineſſe.*]

There are other ends besides this, for which they are called together, yet this is one maine end, as appeares by the Kings writ, and therefore he never refused to advise with them. The usuall, but not the only forme of the Kings answers to such Bills, as they were not willing to passe, ( which I believe was never objected to any Prince, before to his Majesty ) *Le Roy S'aviser a*, proves that after the advice of this his great Councell, he is yet at liberty to advise farther with persons, or occasions, as his owne wisedome shall think meet. But this Author, will by no meanes take notice, that the use of councell is to perswade, not to compell; as if a man in a businesse of great concernment, might not very prudently consult with many friends, and yet at last follow the advice perhaps of one, if it appeare more proportionable to the end he aimes at.

*Not so, because the many eyes of so many choise Gentlemen, out of all parts, see more then fewer.*]

This Argument I believe will conclude too much, and therefore nothing at all. For the same reason which denyes a liberty of dissenting to the King ( that is, such a number who see more, because they are more ) may deny it to the House of Peeres, in comparison of the House of Commons, and to that House too, in comparison of the people, and so, both King, and Lords, and Commons are voted out of Parliament. Besides experience shewes this rule is not generally true; for I dare say, if we aske almost any Parliament man, he will tell us upon the reading of a bill, sometimes one man in the House hath found more faults, and urged more just exceptious, then three hundred would have beene able to espye. There have been Parliaments wherein Acts have been made to remedy former mistakes. Nay, whole Parliaments have beene repealed, and declared *Null* by succeeding Parliaments. So 21. *Rich.* 2. *cap.* 12. does voyd and disanull all the statutes made in a former Parliament, held 11. *Rich.* 2. So 1. *Hen.* 4. *cap.* 3. repeales this whole Parliament of 21. *Rich.* 2. So 39. *Hen.* 6. In a statute made at *Westminster* we finde a totall repeale of a Parliament held at *Coventry*, the yeare before, as made *against all good faith and Conscience, &c. the Acts and statutes laboured by the conspiracy, procurement, and excitation of some ill disposed persons for the introduction and accomplishment of their rancour, and inordinate covetise.* So 4. *Hen.* 6. A Parliament held at *Westminster*, is made *Null* in regard divers matters had there beene treated and wrought *by the labour, and exhortation of persons not fearing God, nor willing to bee under the Rule of any earthly Prince: but inclined of sensuall appetite to have the whole governance of the Realme under their owne Power and Dominion.* These are the Testimonies that

that one great Councell beſtowes upon another.

I could urge the ſame arguments, in the very ſame words, onely changing a Lay-Councell into an Eccleſiaſticall Councell, and upon equall neceſſity, require the King to aſſent to whatever they ſhall vote. I make no doubt, the Author will in this caſe give him leave, to make his conſcience his guide, and if he do, he will think his Arguments deſerve no further anſwer.

*The few private ends they can have to deprave them, muſt needes render their Councells more faithfull, impartiall, and Religious then any other.*]

Certainely they may have as many, as any other private ſubject, and that this Kingdome hath ſeldome heretofore ſuffered under the proſecution of private intereſt is to be imputed to the excellent policy, which he endeavours to overthrow. They are ſtrangely tranſported with the love of a popular ſtate, who can ſo over-rule their underſtandings, as to force themſelves to think, the members of it may not be extreamly ſubject to *ambition*, which would eaſily prompt them to alter the good old wayes of beſtowing offices and collating honours; to *Covetouſneſſe*, which would tempt them to draw the determination of cauſes out of the ordinary Courts of Juſtice; to *hatred*, which would make them proſecute their enemies with bitter violence, and upon the leaſt ſuſpition of a fault, to puniſh them; firſt by impriſonments, and endeavour to prove them guilty at leiſure; to *affection*, which would make them ſhield their friends from being queſtioned, though their corruptions were notorious to all the world.

The Biſhop of *Durham* his caſe ſpeakes home to the buſineſſe. We are told in the 3. *c.* of the 2. Parliament held 1. *Mar.* How the Biſhopricke of *Durham* was diſſolved in a former Parliament. 7. *Edw.* 6. which was *compaſſed and brought to paſſe, by the ſiniſter labour, great malice, and corrupt meanes of certaine ambitious perſons then being in authority, rather for to enrich themſelves, and their friends, with a great part of the poſſeſſions of the ſayd Biſhopricke, then upon juſt occaſion, or Godly zeale.* Let the world judge, whether this age may not be ſubject to the ſame temptation, and whether a deſire to ſhare the meanes of the Church, may not have as ſtrong operations, as formerly.

Nothing more common in the *Roman* ſtory, then the bribing of the Senate. This made *Jugurtha* cry out, (who by his gifts governed their Parliament) *O urbem venalem, et maturè perituram, ſi emptorem invenerit!* Had it been our unhappineſſe, to have lived in a popular ſtate (except they are altered from what Hiſtories deliver them) we ſhould have found injuſtice a trade, and that the moſt compen-

dious way to wealth, was to buy no land, but of the Judges. *Tacitus* gives us a full Character of what we might well feare. When the governement of *Rome* was changed into a Monarchy under *Augustus*, the Provinces were very well contented, *Suspecto Senatûs populique imperio, ob certamen potentium, et avaritiam magistratuum: invalido legum auxilio, quod vi, ambitu, postremò pecuniâ turbabantur.*

They must evidently have more private ends then the King, who may be misled upon wantonnesse, but they must struggle with solide temptations, desire of riches, desire of honours, there being an emptines in them, whereas he is full, and satisfied. *Si violandum est jus, regni causâ violandum est*; the greatest motive that can be, a desire to share in Soveraignty, the Parliament to rule the King, and they to rule the Parliament.

*We have ever found Enmity and Antipathy betwixt the Court and the Country, but never any till now, betwixt the representatives, and the body of the Kingdome represented.*]

How, betwixt them, and those many that entrusted them? are not they satisfied with their carriage? If this were never till now, it may seeme to be upon some causes, which never were till now.

*Except* Master Hollis *his rich Widow, I never heard that Promotion came to any man by serving in Parliament.*

What service commended Master *Hollis* to the rich widow, I cannot judge; This I know, if the nineteene *Propositions* had past, it would have been no news to heare of many promoted, and they might easily have redeemed the time that they have lost, and challeng'd so much greater honours, because they could not have them sooner. It would have beene rare to have heard of any advanced out of Parliament, and this would have bred good stirring bloud in the country; the Gentry would have justled, to get in at the common gate of Offices, and Honours.

*The Lords and Commons ought not to be deserted, unlesse wee will allow that the King may choose whether he will admit of any Councell at all or no, in the disposing of our lives, lands, and liberties.*

By Law he cannot, he will not refuse to hearken to his great Councell; neither doth he challenge to himselfe any right of disposing of your Lives, Lands, and Liberties, but will protect you, and them, according to the established Lawes: he onely sayes, he is not bound to renounce his owne understanding, or to contradict his owne conscience for any Counsellours sake whatsoever. Hee must satisfie that before their desires, nor must that which they call policy, give law to that which he knowes to be Religion.

[*'Tis granted in things visible, and certaine, that Iudge which is a sole Iudge,*

*Iudge, and hath competent power to ſee his owne iudgement executed ought not to determine againſt the light of nature, or evidence of fact.*

Sole Judge, or not, alters not the Caſe, neither is there any reſtraint onely to viſible and certaine things; in the diſcharging of a truſt, the Conſcience muſt be guided by a morall certainty, or high probability.

*The ſinne of* Pilate *Was, that When he might have ſaved our Saviour from an uuiuſt death, yet upon accuſations contradictory in themſelves, contrary to ſtrange revelations from Heaven, hee would ſuffer innocence to fall, and paſſe ſentence of death, meerly to ſatisfie a bloud-thirſty multitude.*]

The ſinne of *Pilate* all confeſſe hainous, yet if examined according to his rule of juſtice, he muſt either condemne his owne judgement, or abſolve his. For firſt concerning ſtrange revelations to the contrary, all that I meet with is this: His wife ſent unto him, ſaying, *Have thou nothing to doe With that iuſt man, for I have ſuffered many things this day in a dreame becauſe of him.* What was revelation to her, but a ſingle tradition to him; ſhe was obliged to beleeve God ſpeaking to her, he was not bound to beleeve a woman ſpeaking to him. He might thinke, ſhe might be willing to deceive out of naturall compaſsion, ſtrong in that Sexe; or might be deceived her ſelfe, calling that inſpiration, which was fancy. That it was true *de facto* makes nothing againſt him; for a Judge, he knew, was to be guided by proofes. He that will paſſe ſentence according to what any ſhall pretend to have from Heaven, may well deſerve to goe to Hell for it. Matth. 27. 18.

Secondly, concerning accuſations contradictory in themſelves, he ſaw that plainly, and therefore profeſſes their teſtimonies invali'd, *I find no fault in him.* But it may be objected, *He knew that for envie they had delivered him.* That indeed was his private opinion, which the Jewes perſwade him was to be over-ruled by their Authority, and unanimous conſent. This therefore ſeemes to be the Caſe: *Pilate* thinkes it not enough that all the chiefe Prieſts and Elders of the People cry out againſt him, as a malefactor and enemy to the State, he requires ſome proofes, *Iohn* 18. 29. They returned this anſwer, *If he were not a Malefactor, We would not have delivered him unto thee. Populi Salus*, the Common-wealth was in danger, nor did it ſtand with the honour of that Aſſembly to give more particular reaſons. At length he is reſolved to paſſe his Aſſent, and yeilds to their Votes upon theſe grounds: *His ſingle iudgement Was not to be preferred before all advice: The many eyes of all the choiſeſt of the People, ſee more then his, and may ſpy faults, Which hee could not find; Beſides,* Iohn 16. Matth. 27. 18. Verſ. 30.

*there*

*there was a Maxime, and it was grounded upon nature* (and which the Author sayes was never till this Parliament withstood, therefore then in full force) *that a community can have no private ends to mis-lead it,*

I shall onely adde, the Case can no way be varied, though they had not a joynt Judiciall power; For if he thought him innocent, and knew he had such a right, that except he passed sentence against him, he was not condemned, and ought not to suffer, it had been as high a fault to concurre with them in their injustice.

*Not so, because if one Iudge on the Bench discent from three, or one Iuror at the Barre from eleven, they may submit to the major number, though perhaps lesse skilfull then themselves, without imputation of guilt.*

The Oath of the Jurors is this, as we find in Master *Lamberd, Se virum aliquem indocentem haud condemnaturos, sontémve absoluturos.* Laying their hands upon the holy Gospel, every man sweares, he will not condemne the innocent, nor absolve the guilty. The words of their Oath now in use, speake the same sense; They sweare that they will do right betwixt party and party, according to evidence given in: wherefore they ought to consult information by witnesses, not their fellowes Votes. How his Casuists will satisfie a mans conscience, when he violats this Oath, I know not. Tis true, in many cases, there may be a legall submission, but then the Law doth not require a personal act contrary to Conscience, but provides for the preservation of the Innocencie of the dissenting parties, by making the Act of the major part have the force of the whole, according to that, *Refertur ad universos, quod publicè fit per majorem partem.*

*If so in Law, much more in State, where the very satisfying a multitude, somtimes in things not otherwise expedient may prove not only expedient, but necessary for the setling of peace and ceasing of strife.* ]

True, if in Law, not otherwise: A Governour must not displease God, to please the people. The second thing must be ordered, according to the Rulers prudence. For many times, granting an unreasonable request, doth not satisfie, but increase their desires. And whereas the more he gives, he becomes the lesse able, so the more they receive, they become the more craving.

*That the* Militia *and* Magazine *of* Hull, &c. *should be intrusted into such hands, as were in the Peoples good esteeme, conscience and understanding could plead nothing against it.*

Understanding, and consequently Conscience, very much: The King had more distrust of some, and more confidence in the fidelity of others.

*If it could have been averred (as it could not, for the contrary was true) that this would have bred disturbance, and have been the occasion of greater danger.*

Truely

Truly, then he ſhall get the better, if he can impoſe upon our ſenſe, and make the Kingdom believe contrary to what they ſee, and ſuffer under: what hath been the cauſe of theſe unhappy diſtractions, but the taking the Kings Town from him by force, and the illegall alteration of the *Militia*, upon pretence of apparent danger? Though for a time they were afraid, where no fear was (*Quis illis ſic timere permiſit?*) Yet after they have had ſo long a time to recover their underſtandings, and to conſider with themſelves, if the danger were apparent, it might in ſo many moneths be made evident, and they might know whence to expect the blow, I dare now appeal to the weakeſt part of men, their diſtruſts, and aske them, if they can now believe, there was any juſt ground for jealouſies. It is not improbable, ſince they have raiſed a houſe without a foundation, it may fall upon the heads of the maſter builders.

*Where the people by publike authority will ſeeke any inconvenience to themſelves, and the King is not ſo much intereeſſed in it as themſelves, tis more inconveniende and injuſtice to deny, than to grant it.*]

More injuſtice to deny than grant; therefore it ſeems that injuſtice too. Into what ſtreights muſt a King be brought by the madneſſe of the people? If they ſeeke any inconvenience, injuſtice to deny it: Oh unheard of maximes out of theſe new Politiques! That a King ſhould be bound by Law to deſtroy his people, and kill them out of duty; that he doth not preſerve their rights, except he do them wrong. This *affabile odium* hath often had, but never deſerved thanks. Can a man imagine, thoſe people of whom *Juvenal* ſpeaks,

*Evertere domos totas optantibus ipſi*
*Dij faciles,*

If they had underſtood their owne prayer would have accuſed the gods, for denying them? *Carior eſt Regi populus, quàm ſibi.* How great are his deſerts towards his people, that will not ſuffer them to be miſerable, though they intreat him, though they provoke him to it; and can content himſelfe with the Conſcience of merit, whileſt his honor ſuffers under the envy of wrong doing! Indeed this is the end of all Government; for the people finding they were not fit to govern themſelves, reſolved to be ruled by thoſe that were wiſer, and ſo committed their ſafety to the truſt of others. Now this were to reduce themſelves to that firſt ſtate, which their ſufferings made them weary of to place a Governour over them, and to govern that Governour.

*What blame is it then in Princes, when they will pretend reluctance of conſcience and reaſon?*

No man juſtifies pretended conſcience, no man can condemne Reall. But what grounds can malice have, to caſt this aſperſion of pretence of Conſcience and Reaſon? If we looke either on that unhappy miſ-un-

derſtanding of the people, who would not be undeceived by pretences, his actions muſt appeare unto them as cleare as the day; or on his owne neceſſities, his owne extreame wants, it cannot bee. For certainly he that hath granted ſo much in this Parliament, and that in a ſhort time, as put all his Royall Anceſtors Acts of Grace toge her, they fall much ſhort of his, would not have denyed any thing which was reaſonable, not any thing (ſince his wants required ſupplies from them) but what ſhould put him into farre worſe condition, than that of poverty.

After a long and Generall diſcourſe of the originall of Government, the various forms, and ſeverall diſtempers, whileſt Policy was yet imperfect, he returns to the preſent matter.

*The vertue of Repreſentation hath beene denyed to the Commons, and a ſeverance has beene made betwixt the parties choſen, and the parties choofing, and ſo that great Priviledge of all Priviledges, that unmoveable Baſis of all honor, and power, whereby the Houſe of Commons, claims the entire right of all the Gentry and Commonalty of* England, *has been attempted to be ſhaken, and diſturbed.*]

The ſenſe of it is, a truſt is committed to them, and they are to be guided according to Conſcience in the performance of it. Let it be ſo: But is not this clearly the Kings caſe, who is entruſted certainly as highly as they? So that they will find the ready way to endanger their own rights, is to entrench upon the Kings.

Yet there may be a miſtake in the imputation of ſeverance, and deniall of repreſentation to the Commons. For put the halfe; if a few men of a County preſent a Petition to the *Houſe* againſt eſtabliſhed Lawes, and the ſetled Diſcipline of the Church; this is received, and thanks returned: if after, another Petition (modeſtly and diſcreetly expreſſing their deſires, and with all due reſpects to the *Houſe*, as to inſtance in that moſt excellent Petition of *Kent*) be preſented, atteſted by men much more eminent than the former, whether we reſpect, number, Gentry, means, or Reputation; and this in favor of preſent Government, which they have found happy, by long experience, and therefore have no reaſon to be ſo deſirous of a change, of which they are not able to iudge ſo well without tryall; this by no meanes is to be called a ſeverance, or denyall of repreſentation, though I confeſſe, the Kingdome (apt to miſtake) may eaſily be deceived, and learne to miſcall it, becauſe the Gentlemen were impriſoned who preſented it.

*Moſt of our late diſtempers and obſtructions in Parliaments have preceeded from this: That the people upon cauſleſſe defamation, and unproved accuſations, have been ſo prone to withdraw themſelues from their repreſentatives*

*representatives, yet there can be nothing under Heaven, next to renouncing God, which can be more perfidious and more pernicious in the people then this.* ]

Here we may see the strength of passion above reason. Certainly we never took the Oath of Supremacy, nor of Allegiance unto them; hence it will evidently follow, That Treason against a Burgesse, is higher then that against the King.

This he grants as unquestionable, That *the legislative power of this Kingdom, is partly in the King, and partly in the Kingdom; so that neither the King can make a generall binding Ordinance or Law, without the Parliament or the Parliament without the King.* ]

This one truth, if constantly stood to, would have prevented our miseries; and if yet embraced, might restore the Kingdome to happinesse. But alas it is soon recalled, *as holding onely in ordinary cases; but if the safety of the people be concerned, if it may prove dangerous or inconvenient to them, then an extraordinary course may justly be taken.* ]

This is it which hath so miserably rent this Kingdome, and caused these sad divisions. First, the people are made to beleeve they are in danger, and then a prevention of those dangers is promised. This must needs be very gratefull to them: So out of that naturall love they bear to themselves, they favour that side which pretends to take care for their safety. *H*is way of arguing is very plausible, and seemeth to carry more strength, because it worketh upon our understanding by our affection. The summe is this, In case of apparent and imminent danger, the Peoples safety is not to be neglected, they ought not to be exposed as a prey to the enemy; who, if he take them unprovided, will destroy them all, therefore most fit they should be put into a posture of defence: Now none so fit Judges of this apparent and imminent danger, as the two *H*ouses; wherefore they to order this *Militia.* So that it must be in their power to command men, raise *H*orses, seize on all the Ammunition, send for what supplies of money they think necessary for repelling those dangers. Else they are not sufficiently enabled for this great work, the peoples preservation. *H*ere we are fain back again into (what we so much complained of) arbitrary power, nor is the thing taken away, but placed in another body: All that we have gained, is onely this, We shall not be beaten by the same hand. Was not this the very case of Shipmoney? Upon supposall of a necessity, and the Kingdome being in danger, very fit to secure it and the People; this cannot be done without money, the danger will not allow the delay of asking the Subiects consent, and going the ordinary way of Law,

therefore an extraordinary course then becomes legall, and very reasonable it is, the Subiect should be content to part with some, rather than lose all: Now, who fitter to iudge of this necessity, than the King, as being most fully informed by His advantage of intelligence from His Ambassadors, Agents, &c. of the designes of Forraign Princes and States?

To winde our selfe out of this Labyrinth, we will go on those grounds, on which they argued against Shipmoney; for as the Argument runnes Parallel, so will the answer. This therefore was laid downe as a sure ground of reason, That it was better for the Kingdome, though it were in reall danger, *in arena consilium capere*, to shift for it selfe, as well as it was able by a sudden defence, then that the Law should provide such remedy, which would be so easily, so frequently abused upon every pretence of danger, to prevent such an evill which could extreamly seldome, or almost never happen, for an Army, and Navie could not so secretly be provided, but that we must have some intelligence of it. So in the case of *Militia*; it is much better, that by being continued in the old Legall way, it should hazard it selfe to such a possible danger, then that Law should provide such a remedy (for what probally will never happen) as being abused upon pretences, may every three years put the Kingdome in combustion. To repell danger any way but by law, is the greatest danger of all.

*Let the World iudge whether the pronouncing,* Sir John Hothams *act, treason, but not contrary to the clearest beams of humane reason and the strongest inclinations of nature: for every private man may defend himselfe by force, if assaulted, though by the force of a Magistrate, or his own father, and though he be not without all confidence by flight.*]

He is strongly resolved upon the conclusion, that will bring it in upon such Premises. Sir *John Hotham* his seizing on the Kings Town and Ammunition was it seemes in his owne defence; who assaulted him? Did His Maiesty drive him into *Hull?* What can he thinke of the Gunpowder Traitors, was their resistance a iust defence? Then certainly, every Rebellion is a iust War. Indeed what is that thing which we call obedience, if a man may refuse to submit to Law in his own defence?

*Here whole Nations being exposed to enmity and hazard, being utterly uncapable of flight, must yeeld their throats, and submit to Assassinates, if their King will not allow them defence.* There is great difference betwixt a subiects defending himself, and offending his King. His fears are overwitty, if they will not permit him, to think himself safe, except he get into one of the Kings Forts, for his better security.

*See if we are not left as a prey to the same bloudy hands, as have done*

*such*

*ſuch diabolicall exploits in* Ireland, *&c. if we may not take up Armes for our owne ſafety, or if it be poſſible for us to take up Arms, without ſome Votes or ordinances to regelate the Militia.*] Subjects upon Invaſion, would not have wanted commiſſion to take up Armes; till then, they are ſafe enough by the benefit of the Law, which could not poſſibly have better provided for their ſafety, then by denying them a power to take Armes, as often as ambitious chollericke men for their own ends ſhall perſwade them they are in danger. For by this means, being eaſily deceived whileſt they endeavoured to avoyd falſe, they would run themſelves headlong into true Perills.

*The King ſayes; the Parliament denyes, &c. to whether now in this uncertainty, is the ſubject bound to adhere?*

It is poſſible, circumſtances may afford us ſome light for our direction. We may conſider, whether the Houſes do not barely ſay; and whether His Majeſty doth not deſcend ſo farre, as to give reaſons for what he does, and to ſhew the Kingdome the ground of his actions, by particular citation of the Laws, which juſtifie them. We ought to agree, whether ſwerving from Law, be to be judged by the actions, or by the authors; That is, if the King ſhould have done what ever they did, and the Houſes, what ever he did, whether all would not then have been legall becauſe done by them. The King doth not deſire to captivate any mans underſtanding to his authority, but is willing to make all the world the Judge of his Actions; neither is a blinde obedience a part of any mans duty to the Houſes. The beſt way to diſcerne aright, will be to conſult the rule, which is Law, and not meaſure the legality of an Act, by the doer. Some things are matter of fact, here we may be guided by ſenſe, and judge, as we ſee. As whether the King has ſeized on any thing wherein the Subject hath a property or whether the Subiect hath not ſeized on ſomething, wherein the King hath a Property? whether the King hath raiſed warre againſt the Parliament; That is, whether his Guard was an Army, and whether *Hull* is now *London*.

*We had a maxime, and it was grounded upon nature, and never till this Parliament withſtood, that a Community can have no private ends to miſleade it, and make it injurious to it ſelfe.*]

True, in a State where the Collective body Aſſembles; and the reaſon of it is evident; for though every man ayme at his greateſt particular intereſt, yet except it be agreeable to the Intereſt of the Maior part, it will never paſſe into an Act, and if it be advantageous for the moſt, it is to be eſteemed publique. Now what ſervice this can doe the two Houſes, I cannot ſee, becauſe they are a Repreſentative body. If he pleaſe to conſult *Livye* or *Tacitus*, he may finde what

moſt unworthy ends the Senate of *Rome* propoſed to themſelves, and be quickly ſatisfied in the falſhood of this Maxime, taken in his ſenſe. The truth is, he raiſes probabilities into demonſtrations, and becauſe it is not ſo likely (it being a worke of greater difficulty) that four hundred ſhould contrive things for their private intereſts; as that foure ſhould, hee takes it for impoſſible. Whereas experience clearly confutes him; in other States we finde nothing more common. That wee in *England* have ſo ſeldome ſuffered under ſuch corruptions, proceeds from cauſes peculiar to this government. It was a court; for the moſt part, but of ſhort continuance, ſo that, they had not time to mold and faſhion their aymes; and when called together again, the body was much altered: But the chief reaſon, and that to which the Subiect eſpecially owes his ſecurity, is this, that the finall determination, is not in one, nor two houſes, but the ioynt conſent of three Eſtates is neceſſary. So that nothing is likely to paſſe, but what is for the Intereſt of the maior part, and what is ſo, is publiquely advantageous. It is more poſſible they may now proſecute private intereſts, ſince they challenge a power to themſelves ſufficient to advance their deſignes; which heretofore they never pretending to, could not hope to compaſſe particular ends.

*The King may ſafely leave his higheſt rights to Parliaments.* If this be all the motive, he may as ſafely keep them. Why did the Laws entruſt him with them, if it were fitting for him to make no uſe of them?

*None knows better, or affects more the ſweetneſſe of this ſo well ballanced a Monarchy.* I beleeve they affect Monarchy, why then doth this Author endeavour to take it away, by denying the King a power of diſſent; which our Anceſtors inviolably preſerved, as a moſt happy reſtraint of Ariſtocracy or Democracy.

*It hath been often in the power of former Parliaments, to load that rule with greater fetters and clogs, but they would not.* A very good Argument, there is little reaſon now to do it. After a commendation of the exact temper and due proportion between the three eſtates, the many affecting Monarchy better than Ariſtocracy, and the nobility preferring it as much beyond Democracy.

He exhorts us, *Not to ſeeke to corrupt this puritie of Compoſition:* Very good Counſell: but which he overthrowes in the words immediately following. *We muſt not conceive that both Gentry and Nobilitie can combine againſt the King.* Therefore it will be fitting for the King to leave all to their diſpoſall, who certainly can do nothing but what is fitting. In how few words hath he deſtroyed that conſtitution, which he told us was ſo perfect, it would admit of no change but for worſe? But we could not ſtay here, if the Kings negative were once taken away,

away, like decaying bodies, our health would daily impair. The next ſtep muſt be, the Lords ſitting in a Perſonall Capacity, no reaſon they ſhould deny, what the Kingdome hath Voted to be neceſſary or convenient, either let them not ſpeak at all, or let the greater part of Commons joyn with the leſſer part of Peers.

*The right of all the Lords and Commons in this State is ſo great, that no change of government can be advantage to them, except they could each one attain an hereditary crown.*

May they not attain as much as malignant Counſellors are pretended to aym at, Honors, Offices, Wealth, Power, Commands.

*Their power is meerly derivative, ſo that except wee will conceive that both King and people will be conſenting to the uſurpation, nothing can be done.*]

Then it is confeſt, the King hath a right of diſſenting. *Except both King and people*; here a power is given to the people collectively, beyond the Lords, Commons, and King.

*If the King be an affector of true Liberty he hath in Parliament a power as extenſive, as ever the Roman Dictators was, for the preventing publique diſtreſſes.*]

The Dictator had abſolute authority, nor was he circumſcribed in power, but in time only. There lay no appeale from him, neither was he queſtionable for any action after his Government was expired. Though the humor of that people could not endure the name of King, they had the ſame thing; for in imminent dangers, whether from foraigne Invaſions, or inteſtine Seditions; neceſſity of State forced them to ſubmit to his authority, which relived them in their greateſt extremities.

Hence we may make the trueſt Judgement, what forme of Government the wiſeſt Romanes eſteemed moſt convenient. Their actions which proceeded from feare, were unfeigned interpreters of their thoughts; That they fell backe ſtill into their old rule, and were not as wiſe to prevent dangers by conſerving that authority, as they were to encounter them by erecting it, muſt be imputed to the inconſtant temper of the people, who in times of peace were as proud and inſolent, as when ruine threatned, (which their wantonneſſe pull'd upon themſelves) they were baſely humble. Since then the Romans preferred even the unbounded power of one to a popular ſway, wee have no reaſon to change the much more happy temper of this Government, Wherein Monarchy is ſo wiſely ballanced, that as we are not expoſed to the dangers which attend the Role of the many; ſo we may avoyd the inconveniences, which might probably flow from the Arbitrary power of one.

He

*He hath met in the field with two contrary Armies of his own Subjects, and yet that Army which he went to destroy, and advanced their Colours against him, was more loyall than that which himselfe commanded.*]

Had he made conscience of unjust slander, or had he any sense of the honor of his Nation, these words had never fowled the Paper.

*That which the King here calls Conscience and Reason, can be nothing else but meere private opinion.*]

What other possible notion can any man have of Conscience? Is it not the light of reason informing us in our duty?

*If the counsell of the Parliament were directly opposite to common understanding, and good Conscience, and the Counsell of the Court were evidently consonant thereunto, there needed no such contestation.*]

If the Counsell of the Court, were directly opposite to common understanding and good Conscience, and the Counsell of Parliament were evidently consonant thereunto, there would be no such contestation, It is a very unfaithfull way of judging, to measure the goodnesse of Counsell, by the person advising, not by the thing advised. His Majesty alwayes examined what, not who; and hath given his Subiects a most certain pledge of his Royall affection, in passing so many good Acts, and was resolved to grant, as long as any thing could in reason be desired. After he hath fully satisfied the publique interest, even to the utmost extent of what most understanding and disengaged men wish for; He is not bound to undoe againe in part, and so farre to comply with interests of private men, as to place a power in some, by which they shall be able to hinder his good people from enioying the full benefits of his Royall Grace, if such a consent appear to him to do it.

The following discourse keeps all in generalls (which eafily deceive weaker apprehensions) and hath its strength from this ground, that it cannot reasonably be supposed, the great and publique Councell of the Kingdom, should not give the most faithfull advice.

*Therefore Princes, if they may not be led by their owne opinions, rather than by the sacred and awfull Councels of whole Nations unreasonably complain, they are denyed liberty of Conscience, and ravisht out of their owne understandings*]

I appeale to any mans Judgement, whether any thing can be urged, for the authority of a Lay Councell, that it ought to enforce a submission of iudgement, and a performance of duties arising from trust agreeable thereto, which may not with (at least) equall advantages be pressed for the same binding power in Councells Ecclesiasticall. To instance in that of *Trent*; If a Papist should (as *Campian* doth) bragge of that to him, as the Representative Body of almost all the Westerne Church, wherein

wherein was a concourſe of ſo many choiſe, able, eminent Divines' ſuch as had addicted their whole times to the ſtudy of truth, and therefore in all probability could not be deceived themſelves, and ſuch as had converſed ſo long with Heaven and Heavenly things, they knew ſufficiently how much it concerned them not to deceive others, and conclude it, therefore unlawfull for any to pretend Conſcience, (which is but private opinion) againſt ſo publique and unanimous determination. Notwithſtanding theſe high probabilities, and (what will much more juſtifie mens abſolute obedience, and captivating their reaſons) ſome plauſible arguments for a divine aſſiſtance and immediate directions in all their deciſions, which the Houſes will not pretend to, yet it ſhould goe hard, but he would finde ſome anſwer (as eaſily he might) whereby to juſtifie his liberty of diſſenting in ſome things, which when he hath done, he may with very little alteration apply to Civill Councels, and be ſatisfied. Suppoſe it thus: Though amongſt probable arguments, that drawn from Authority of wiſe men, carry with it greateſt weight, yet it muſt give place to a greater reaſon. Now to every man belongs a judgement of diſcretion, which muſt decide for what conernes his particular duty. So in the Kings caſe: The Votes which carry in them the authority of both Houſes, ſhall beare great ſway, & if it be in things extreamly dubious, they may turne the ſcales of their ſide. But if greater reaſon ſeeme to contradict them, His Majeſty will not hoodwinck his underſtanding, and blindly follow, whither they pleaſe to leade him, he will walke by the greater light. For example, His Majeſty perceiving how much his people may ſuffer under Arbitrary power, is reſolved never to make uſe of it, and thinkes it leſſe fitting any other ſhould. But it is told him now the uſe of it will be for their good, by reaſon of apparent, imminent dangers. His Majeſty underſtands the bottome of plauſible pretences, and knowes to how great miſchiefes a way would be opened, if it were ſufficient upon ſuch ſpecious grounds to have a right to overrule all known and certaine Lawes.

Concerning the action at *Hull*, he confeſſes, *to take poſſeſſion of the Kings Town, and ſhut the gates againſt him is Treaſon, if circumſtances doe not vary the nature of the Act, as in this caſe*, he pretends, *they doe*. For *the firſt thing to be lookt on is, thas the King was meerely denied entrance for that time, his generall right was not denied.*]

If then a Subject take up Armes againſt his Soveraigne in a temporary war, it muſt not come within the compaſſe of Treaſon, and he may legally poſſeſſe himſelſe of the Kings Forts, and maintaine them againſt him, ſo he confeſſe, he hath no right in them. *No defying language was given.* If a man taken away my purſe, ſhall he be acquitted

from Felony, becauſe hee did not give me ill Language too? *No Act of violence was uſed.* This he may ſay, who hath pickt anothers pocket; but it is no ſufficient plea againſt the Law. *But he uſed no violence, though the King for diverſe houres together did ſtand within Muſket-ſhot, &c.* ] It is no argument of Innocence, that he had opportunity to be more highly guilty, and abſtained. *The King uſed termes of defiance, and this makes the Act meerely defenſive, or rather paſſive.* ] If this were true, there was never any warre but defenſive. For thoſe who by ſome great injuſtice offered, provoke a Nation to right it ſelfe, fight as well to maintaine their lives, as what they unlawfully poſſeſſe. *How this ſhould adminiſter to the King any ground to leavy guards at* Yorke, *many men wonder, or that it ſhould ſeeme the ſame thing to the King as if he had been purſued to the gates of* Yorke.]

Certainly it was a ſufficient ground, not only to raiſe a Guard, for his ſafty; but an army, to puniſh that high indignity, and to right his honour: but out of tender care of his Peoples ſafty ( leſt they ſhould chance to ſuffer upon miſtakes ) he afforded him ſo long time of repentance, that the Kingdome might firſt be ſatisfied, and then his Juſtice. *If the Parliament have heereupon turned any of the Townſ-men out of their Eſtates.* His Majeſty did not charge the two Houſes; Sir *John Hotham* kept him out, without any publique order from them. But if it had been done *de facto*, the ſame Law would have juſtified this act, as well as the other. But ſince not only the Country about, but the inhabitants within the Town have ſuffered in their eſtates and liberties.

*Or if claimed any intereſt in it to themſelves.* So much the leſſe reaſon to ſeize on it, if he cannot ſo much as pretend title to it. *Or have diſſeiſed the King, utterly denying his right for the future.* ] If any Law can be produced, to juſtifie taking away the Kings goods for a time, the caſe will be cleared. *Or have made any other uſe of their poſſeſſion but meerly to prevent Civill war.* ] There is not any way more likely to create a Civill Warre, then endeavours to prevent it by illegall courſes. *And to diſfurniſh the Kings ſeducers of Armes and Ammunition: therefore the moſt eſſentiall property of Treaſon, intention, muſt needs here be abſent in this Act.* ] The Law hath judged otherwiſe in the caſe of the Earle of *Eſſex*, whoſe plea was, he intended the removall of evill Counſellors.

*If the Parliament* ( the ſhutting the King out of *Hull* was not their Act ) *be not vertually the whole Kingdome it ſelfe.* The King excluded, it is not. *If it be not the ſupreame Judicature as well in matters of State, as matters of Law.* Till new Lawes are enacted, the ſubject cannot juſtifie any Act but what is warrantable by the old. *If it be not the great Councell of the Kingdome, as well as of the King,*

*King, to whom it belongeth by the consent of all Nations to provide in all extraordinary cases,* Nequid detrimenti capiat respublica, *let the brand of treason sticke upon it.*] No provisions are allowed but what are legall, lest the Remedy should prove the greatest disease. *Nay if the Parliament would have used this forcible meanes, unlesse Petitioning would not have prevailed.*] It is no just excuse, to take away a mans money, and say he did first desire him to deliver it. *Or if their grounds of jelousie were meerly vaine.* It is against all equity, to doe wrong, because there is a possibility of suffering it; no man can have a full security, and therefore we must arme our selves against uncertaine feares, not by injuries, but a wary innocence. *Or if the jealousie of a whole Kingdome can be counted vaine.* Too large an expression, much the greater part of the Kingdome apprehend no just grounds of jealousie. Though the minds of many were a long time unsetled, being daily disturbed by suggestions of Plots at home, and invasions from abroad, yet if we duely weigh the businesse, such feares ought not to be valued. If fourty severall men report the same thing, yet if upon examination thirty nine of them say, they had it from the other man, this in Law makes but one witnesse: so the feares of many thousands, if grounded upon informations, and those informations come from very few, who can no way evidence the probability of such reports, they ought not to be valued, they will vanish into nothing. *Or if they claime any such right of judging of dangers and preventing them, without the Kings consent as ordinary and perpetuall.*] As often as they have a minde to make use of such a right, 'tis easie for them to call the Case extraordinary, and pretend a publique danger. For my part, I know not how they can ever be confuted, if not now. For certainly, apparent dangers did never lesse appeare. It would more abundantly have satisfied me, if I had been frighted with secret plots and conceal'd designes.

*The King might have prevented the same repulse by sending a messenger before hand.*] That is, if he had not come to get in, he had not been shut out, if he would have stayd away, he would not have denied him enterance. *Or by comming without any such considerable forces.*] Let his forces be great, he was not to give Law to his Prince. But neither is it likely he would have admitted him then; for you confesse a little above, *He offered to enter* Hull, *with twenty Horse onely, unarmed.*

*The Scots in* England *tooke* Newcastle *but by private authority, yet there were other qualifications in that Act, sufficient to purge it of Treason.*]

The King and Parliament deserved so much respect from you, as

not to have instanced so frequently in their Act; you might well let that passe in silence, which they have buried in an Act of oblivion.

He flourishes at large upon the *example of Richard the second* (he means *Edw. 2.*) *misled by Spencer.* It doth not follow, because one King hath hearkned to evill counsell, therefore all must be denyed the liberty to hearken to good.

*Spencers party was but of inconsiderable fortunes.*] He will get no advantage by putting mens estates into the scales, and ballancing their reputations.

At length yet there is some little hopes he may prove a convert, since he doth almost promise to suspend his judgement till he may have full satisfaction from his Majesties narration, which in due time will more fully inform him.

*An Aristocracy in Parliament, cannot be erected without some meanes, and what this meanes shall be is yet to us altogether inscrutable.*] Certainly he is quicker sighted then not to perceive, what is so obvious. Deny the King a Negative, and the thing is done.

*The power of Parliaments is but derivative, and depending upon publique consent, and how publique consent should be gained for the erection of a new, unlawfull odious tyranny amongst us is not discernable.*]

It is not thought, this was the intent of those that intrusted them, but it may be the abuse of power, if the Kings authority be once swallowed up in theirs. For though their power depend upon a publique consent in the election yet not so after they are met together. The necessities of the time made his Majesty grant, that this Parliament should not be diffolved without their consent; but they may now challenge it as their right, if the King be bound to confirm, what they vote, necessary or expedient.

*But it cannot be: and his reason is, the Kingdom would not obey them.*] In truth, a very probable thing; I believe they would not be able to goe through in that new way. But yet they must needs have a great party; considering their severall relations, and the advantage they have, in advancing the interests whether religious or civill, of some which may be able to doe them service, and this would create division in the Kingdom.

His Majesty expresses his just indignation, that they (he imputes it not to the houses, though this author stil involves them but to the contrivers and penners of the declaration) should dare to tell their King, *they may without want of modesty or duty depose him:* He returns answer, *This cannot be collected from those words,* That if they should make the highest presidents of other Parliaments their Pattern, there would be no cause to complain of want of modesty & duty, *Because it may justly be denied that*

free

*free Parliaments did ever truly consent to the dethroaning of any King of England.*] What was there affirmed of Parliaments, had none of his present restriction of free in it. If the 1. of *Hen.* 4. were indeed not free, why were statutes cited out of it? The Authors of those quotations, must be presumed to account it so.

The King is offended at their franck expressions, disguised under the charge of a malignant party. The sence of his answer is this; they have no other way to cleare themselves: for there being faults somewhere, not to lay them upon others, were to take them upon themselves His Majesty hath proposed a very good way, which will fully satisfie the world in their innocency, and that is, not alwaies to accuse, but sometimes to prove.

The King demands justice for tumults, and high indignities offered, and complaines of a prohibition sent from the house of Commons into *Southwarke*, to hinder the processe against a ryot, according to Law. His answer is, *equall justice could not be obtained against the Court Cavaleers.* His Majesty never protected them from Legall tryall; it was free for them to have proved what they could against them.

The King saies, it being granted by them, that their priviledges do not extend to treason, felony, or breach of the peace, so as to exempt the members from all manner of tryall, yet if they be so priviledged in the method of their tryall, that the cause must first be brought before them, and their consent asked before you can proceed, then their priviledges extend as far in these, as in the most unquestioned cases; because no Priviledges exempts them from all manner of tryall, the House being acquainted and leave given. He saies nothing can take off this. It was fully intended the members should have had a legall and speedy tryall; for his Majesty conceives it high injustice, to clap men up upon a bare charge, and after they are in Prison, forget there are such men in the World.

*The Parliament does not deny the King a true reall interest in any thing held by him, either in* jure coronæ, *or in* jure personæ, *but onely affirms that in the same thing the State hath an interest Paramont in cases of publique extremity; by vertue of which it may justly seize and use the same for its own necessary preservation.*]

The King is a part of the State, and therefore the other part hath not any power warranted by Law, to doe what they thinke fit to his prejudice, upon pretence of publique extremity. This is Ship-money againe: In every mans Lands and Goods, the State hath an interest Paramont, in cases of publique extremity, by vertue of which it may justly seize and use the same for its owne necessary preservation. Here's the difference, the Head without the body was the

State before; now it is the body without a Head. The King hath Graciously freed us from that inconvenience, and we hope he will not suffer us to be oppreſt with this. The prudence of our Lawes hath provided againſt either; but were there a neceſſity we muſt fall into one, we ought in reaſon to chooſe the former. We are acquainted with that, and therefore could better digeſt it: It would be a great affliction to fall from ſuch hopes, and what we look on as a remedy, to finde that our diſeaſe: but eſpecially, it would be leſſe burthen to our Eſtates, to ſatisfie one, then five hundred.

*But the Kings things are ſtill reſerved for him in better hands, then he would have put them.* Though this were true, it were an ill preſident for the Subject, who muſt be bound to give up his means, as oft as they conceive, they could diſpoſe it more wiſely. As they yet keep them away from him for his good, So hereafter they may ſpend them againſt him for his advantage. Let what will be pretended, the Subject cannot be ſo ſtupid, as not to underſtand theſe, who undertake to manage the Paramont intereſt of the ſtate, may ſeize on any Subjects fortunes, by the ſame right they take the Kings.

*That there is an Arbitary power in every ſtate ſomewhere, tis true, tis neceſſary, and no inconvenience follows upon it.*]

If he meane by Arbitrary, a Legiſlative power, this is granted, yet not to a part but the whole body. But this ſpeakes not to the caſe; for ſtill they give us a certaine rule to live by. The old Lawes are in force, till repealed, and when new are once enacted, we are to conforme our actions to thoſe ſtanding rules. He is to juſtifie, there is ſuch a Paramont Law, which ſhall make all our other Lawes truely Oracles, that is, capable of contrary meanings: ſo that now a man may be juſtly puniſht for doing ſuch a thing, becauſe he hath diſobeyed the letter of the Law; a weeke after he ſhall be juſtly puniſht too, for not doing the ſame thing, becauſe he hath diſobeyed the equity of the Law.

*Ariſtole* tels us (and tis very wiſely ſaid) Μάλιστα δεῖ σπεύδειν τοὺς ὀρθῶς κειμένους νόμους ὅσα ἐνδέχεται πάντα διορίζειν αὐτούς, καὶ ὅτι ἐλάχιστα καταλείπειν ἐν τοῖς κρίνουσι. *Rhet. l. 1. c. 1.* Thoſe Lawes are with greateſt prudence eſtabliſhed, which define moſt caſes, and which leave nothing, which poſſibly may be determined, to the breaſt of the judge. The reaſon of it is this: Lawes are made without all reſpects to perſons, it cannot be foreſeene, what parties would be engaged; but judges doe not alwaies abſtract from theſe; They may be miſled by the relation of kinſman, friend, patron, or other intereſts: Now how fully may theſe corrupt ends be ſatisfied by this equitable conſtruction of Law?

Maſter

*Maſter* Hooker *does not ſay that the Anabaptiſts in* Germany *did deceive Parliaments with their hipocriſie.*]

No man told you he did; we only learne thus much from that ſtory of their foule injuſtice and cruelty, that upon proportionable Principles, ſuch miſchiefes being then, may be againe. For example, if a power be placed in a certaine body of men, by which they are allowed to breake all inferiour Lawes, if they thinke it is for the good of the people, &c. And if this body be backt by the greater part of the people, as having gained on their affections by faire promiſes of a perfect Reformation, and that they ſhall at length enjoy the purity and ſimplicity of the Goſpel; In this caſe, may it not be a ſufficient motive to take away mens eſtates, becauſe they cannot confide in them? Is it not juſt to take away, from enemies of the State, the power of hurting it? Tis very obvious, that for thoſe men, of whom they have no good opinion, to have wealth may be a crime, to have honours treaſonable.

*As for the thirty tyrants of* Athens, *we know they were not choſen by the People, as our Knights, Citizens, &c.*

This circumſtance alters not the caſe, if after they are elected, they challenge as unqueſtionable, and as irrevocable power. But the maine intent of that inſtance was, to ſhew there may be a tyranny of many, and that much more miſerable, then that of one, in many reſpects. If the inordinate deſires of one are hardly ſatisfied, how much more may we ſuffer under thoſe of many? we cannot hope to weary them. If we muſt be ſlaves, better to have one Maſter, then foure hundred. Though the blowes were equall, that from a Royall hand, would not ſmart ſo much; it wounds the very ſoule, to be trampled on by equalls. The weight of preſent evils would leſſe afflict, then the feare of future. There may be continuall ſupply of Torment; new and hungry flies may ſucced in the roome of the old, and ſuck ſtrongly, not regarding many have already beene glutted. Neither can wee expect an end of theſe miſeries, ſuch a body is immortall, whereas the vices of a Prince are perſonall and die with the man, we may be reſtored to happineſſe by his ſucceſſor.

I will in brief relate the ſtory of their reigne. They had got into their hands the power of declaring what was law, and this by the conſent of the People. In the beginning they call ſome men into queſtion, who were much hated by the City; and though the Law could not take hold of them ſo far, yet they paſt ſentence of death. This was very plauſible to moſt, who judged of this proceeding by the rule of their preſent affections, not looking ſo farre into the future, as to conſider what ill cõſequences this might produce; for by the ſame way innocent men might be cut off, if they were pleaſed to call them enemies of the ſtate.

After

After this they gave ſome part of publike Authority to three thouſand of the Citizens, and diſarmed all the reſt, by this meanes (and the benefit ot a *Militia* from *Sparta*) the City was wholly in their diſpoſall. In a ſhort time, they had committed ſo many outrages, and ſuch high injuſtice, that *Theramenes*, one of their owne body, one of the thirty, profeſſed his publique diſlike of thoſe proceedings. Then was he accuſed as a Traitor to them, and (though it was a priviledge of the three thouſand, that none of them ſhould ſuffer death by the ſentence of the thirty, but according to accuſtomed proceſſe and triall) yet *Critius* wip'd his name out of that number, & ſo reduced him to their trial. *Theramenes* pleads for himſelfe; They ought to looke upon his as a commmon Caſe; their names might as eaſily be blotted out. He adviſes them to be very wary in making ſuch a preſident, which might ruine them, and their poſterity. The iſſue was this. Particular men being overawed by their feares, thought it their wiſeſt way to hold their peace, ſince if they ſhould ſpeak in his behalfe, there was little hopes to redeem him, but great probability to ruine themſelves. So they choſe rather to expoſe themſelves, to thoſe future inconveniences, which poſſibly might not come upon them, then hazard a preſent danger. By this advantage, the tyrants prevailed, and condemned him to die.

*The things taken from the King at* Hull *were Armes, which are of more danger then other kind of Chattels.*]

By the ſame law, all that part of the Kingdome, which is not confided in, may be diſarmed. Nay, why may not their money be taken too, upon probable feare, they may buy Armes with it? The Subject is in a miſerable condition, that is lyable to be undone, as often as they pleaſe to be fearefull. It is ſo far from excuſing, it aggravates the fact, to take away the Kings Armes, that is, the meanes whereby he may ſeize what ever elſe belongs unto his Majeſty. The Law of this Kingdome hath only entruſted the Prince with Armes, ſo, that the Subject ought not to be Arraied, Trained, and Muſtered, but by his Commiſſion.

*But ſome determination muſt be Supreme, and therefore either the Kings power and truſt muſt be guided by the diſcretion of the Parliament, or elſe the Parliament and all other Courts muſt be everruled by the Kings meere diſcretion.*]

No neceſſity of either; for in caſes of this nature, which he confeſſes to be extraordinay, if the King and Parliament diſſent, things muſt be at a ſtand, and the Subject muſt be obedient to the ordinary Law.

The caſe of *Ireland*, as it is laid down by his Majeſty, is unanſwerable; and therefore he is forced to extreame ſhifts, being unable to ſay any thing materiall, and yet unwilling to hold his peace.

*England and Ireland are one and the ſame Dominion, there is as true and intimate*

*intimate union betwixt them, as betwixt England and Wales.*]

If this were ſo, Iriſh Barons would be Engliſh Peeres, and Engliſh Peeres would have a right to Vote in Iriſh Parliaments. Beſides all Lawes heere enacted, would ſtand in full force in Ireland, as they doe in the Kings Dominion of Wales.

*Though the maior part ſhould Vote a thing, yet if it be diſliked here, they would want authority to over-rule the thing ſo voted. For the reaſon why the minor part in all ſuffrages, ſubſcribes to the maior, is, that blood may not be ſhed, for in probability the maior part will prevaile.*]

This is a good reaſon for ſuch a contract, that the *minor* part ſhould ſubſcribe; but after ſuch agreement in States, juſtice layes an obligation on them ſo to doe: upon his grounds, if the leſſer part in Parliament, though never ſo few, can make it appeare, the greater part of the Kingdome are of their opinion, the *maior* part ought to ſubſcribe to the *minor*.

Nay, if at any time the *maior* part of Ireland, joyning with the *minor* part of England, makes a *maior* of the whole, then the *maior* part in our Parliament muſt ſit downe.

He takes no notice of the other caſe: Suppoſe the Malignant party ſhould be a *maior* part of both Houſes, which his Majeſty ſhewes how very probably it might have bin, and were there a new election, it is not impoſſible the Counties ſhould ſend up the greater part of ſuch men as he calls Malignant, would he think the King bound to conſent to all ſuch alterations, as they ſhould propoſe?

Some ſcattering reaſons are laid down concerning the *Militia*, which are but repetitions of what I have formerly anſwered.

A faction is ſaid to have prevailed upon a *maior* part, by cunning, force, abſence, or accident, He argues thus againſt it; *If by cunning, we muſt ſuppoſe the Kings party in Parliament, has loſt all their Law, policie and ſubtilty.*] The reaſon why they are overborne may be this: not becauſe they have leſſe law, but more honeſty, which will not permit them to maintaine a good cauſe by ill meanes. We all know, in how great ſtead thoſe *Piæ fraudes*, holy falſhoods, and religious untruths ſtood the Church of *Rome*; though there were ſuch who laid downe better reaſons for the contrary opinions, yet truth prevailed ſlowly, and with a few onely, becauſe the minds of moſt were craftily prepoſſeſt with prejudice againſt it, begot and nouriſht by feigned Stories. The diſpute proceeded upon very unequall termes; For the Romane party gave themſelves the liberty of taking all advantages, whereas their adverſaries were forced to betray a good cauſe out of meere ingenuitie. They had none of their ſide who could lye. We ought to examine, whether this policy worke not (at leaſt in the beginning, till a diſcovery of their falſhood is made, and the people is undeceived) the ſame effects

in a Civill State; whether there are not ſuch things, as *Fraudes* (pretended to be) *Reipublicæ ſalutares*, which have ſo ſtrong an influence on the underſtandings of many, that they can ſubmit to the Votes of ſome, who have inſinuated themſelves into their affections, againſt the cleare reaſons of others, whom they have beene taught cauſleſly to ſuſpect. How eaſie is it to deceive, by giving in falſe information of dangers from abroad? If ſome more ſcrupulous then to be abus'd and led away by light reports, inquire after the hand, that they may judge of the probability of the intelligence, according to the faith and credit of the Relater, they muſt be ſatisfied with this, the Informer deſires his name ſhould be concealed, *Pour eviter le tiltre d' eſpion.*

*It cannot be by force, becauſe they have no Army viſible.*]

A thing is ſaid in Law to be done by force, not onely when men actually ſuffer, if they make uſe of their liqerty, and refuſe to ſatisfie the paſſion and humor of ſome, but then alſo, when they have juſt grounds of feare, for this works on the mind, as ſtrongly, as the other on the body. And therefore *Seneca* tells us, ſtating this point of freedome, *Vim & majorem, & metum excipio, quibus adhibitis electio perit.* And *Cicero*, *Nec quicquam æquitati tam infaſtum eſt, quàm convocati homines, & armati.* It remains then, we examine, whether the names of many Gentlemen were not openly read in tumults; whether they were not poſted with directions to their particular lodgings; whether the way to the Houſe, were not ſo beſet with clamorous multitudes, that they muſt paſſe through the middeſt of them, whileſt they informe them what is fit to be voted; and enquire after their names, and what ſide they take. The other two may be redneed to theſe. It is no wonder many ſtay away, ſince they muſt be abſent, even whilſt they are there.

*The Parliament requeſts of the King, that all great Officers of State, by whom publike offaires ſhall be tranſ-acted, may be choſen by approbation, or nomination of the great Councell. Could the King conceive this diſhonourable for him, &c. if all Parliaments were not taken as deadly enemies to Royalty?*]

Is that the reaſon, why each man preſerves his owne rights, becauſe he takes all the reſt of mankinde for deadly enemies? Can he with honour confeſſe himſelfe unfit to mannage that truſt, which the law hath committed to him? With equall reaſon they may challenge to themſelves the nomination of all Biſhops, Miniſters, Sheriffs, Juſtices, &c. and diſpoſe of all the preferments in *England.*

*The ſubſtance of the requeſt ſeemes to be no more but this, that it would pleaſe the King to be adviſed by Parliaments, &c.*]

What an affected miſtake is this? He is aſhamed to call it by the true name

name, and therefore ſtiles that advice, which is properly command, if it be not in his power to reject their Councell, ſeeme it never ſo unreaſonable.

*If tht King chuſe ſuch a man Treaſurer or Keeper out of his owne good liking onely, or upon recommendation of ſuch a Courtier, heere he is deveſted of no power; but if it be upon the recommendation of the whole kingdome in Parliament, who in all probability can iudge better, and are more concerned, this is an emptying himſelfe of Maieſty, and deveſting himſelfe of power.*]

If this will content them, they ſhall have as much power, as he grants to his Courtiers. Counſellors are not names of authority: they are the Princes eares, his eyes, (this relation is neere enough) he ſees and heares by them: yet they muſt not paſſe their bonds; they muſt be like to the outward ſenſes ſtill, and make a bare repreſentation; the Office of reaſon is peculiar to him, to make judgment thereon: Their information is not alwayes faithfull; he may conſult reaſon, and by the benefit of that, correct their errour, miſ-repreſenting an obiect as crooked, which in it ſelfe is ſtreight.

If not out of duty to their King, and a juſt ſenſe of his honor; yet out of love to themſelves, and a naturall care of their own ſafety, Subjects are bound in all legal waies to expreſſe their diſlike of this propoſition. For they muſt expect to ſuffer all thoſe evils, which faction can produce, and what happineſſe can be hoped for in a Kingdom divided in it ſelfe? This were the ready way to kindle a fire in our own bowels, which would firſt breake out in the Counties electing, and divide the families of the Gentry by irreconcilable Hatred. For it cannot bee imagined, but that power will bandy againſt power, and relations againſt relations, to put Sons or kinſmen into that road, which only leads unto preferment. Nor would the flames be quenched, but rather burn more fiercely even in the Houſes (as being pent in a narrow roome) to which the inſolency of ſome attaining Offices (to which they are not equall) the ſhame and diſcontents of other repulſed, and the ambition of all would adde continuall fuell. But the greateſt miſery of all is, were their corruptions never ſo high, we could have but ſlender hopes of redreſſe. Since the prevailing party (jealous of their own honor) would eaſily maintain the reputation of their choice, and perhaps it would be neceſſary for them, to wink one at another. He thar cannot think it probable, that out of private ends they ſhould ſo far neglect juſtice and honor, let him only examine, whether in ſome Parliaments moſt known offenders, and active inſtruments in the peoples miſery, by ſtriking in with the prevailing ſide, have not bin more ſafe then innocency could have made them.

*There are ſeverall degrees of Perogative Royall, ſome*

*Whereof have greater power of protection, and leſſe of oppreſsion, and ſuch I am moſt ſtudious of.*]

Certainly it were to be deſired, we might enjoy the benefits of power, and not be ſubject to the poſsible abuſe thereof. But ſince this cannot be fully provided for, becauſe the ſame hand, which is enabled to protect, may injure, the aimes of wiſeſt ſtates have bin, not ſo much to take away the power (becauſe then they ſhould be likely to ſuffer under a weak Protector) as the will of oppreſsion. The moſt probable meanes to effect this, is, (after a certaine rule is agreed upon, and Lawes are eſtabliſhed to acquaint a Governour, what he ought to do in performance of that truſt committed to him) ſo to order his Intereſts, that to advance the peoples good, ſhall be for the Princes advantage. Subjects will have great reaſon to promiſe to themſelves a full happineſſe, from the faithfull diſcharge of his Regall office, to which he is ſo ſtrongly tyed by thoſe bonds of juſtice and profit. This the wiſdome of our Anceſtors hath provided for in an high degree, and ſo tempered this Government, that both King and people may be joyntly happy, or joyntly miſerable. The ſeverall goods of each forme are here united; we have great Democraticall advantages, and yet may avoid the evils of a popular State, as long as Monarchy is kept up in its due height, and tumultuous, inſolent multitudes are not protected from a legall tryall: We have the good of Ariſtocracy, Counſell of the beſt experienced (ſuch as have ſtudied nations, and men) nor yet are we acquainted with the diſeaſe of it, faction amongſt the Nobility. The counſell of many is profitable, but the reſolve of one, is neceſſary. Since they looking upon one another as equall, would be very apt to quarrell; for when one contradicts what another hath adviſed, the debate between them ſeemes to be, which is the wiſer man. Their diſcourſes are like ſo many pleadings for honour, and we know, what iſſue ſuch ſuites would come to, when the thing in controverſie is ſo highly valued, if there were not a Judge to determine. And this is the benefit of Monarchy; which is ſo reſtrained by ſome power proper to the Houſes it cannot degenerate into a tyranny. For how ſhould this enter in? The old Lawes (the ſecurity of our liberties) cannot be taken away till both Houſes give conſent: but grant an illegall violent Government ſhould breake in upon us, by what meanes could it be maintained? The King can have no ſupply of money, without the Houſe of Commons, and without theſe ſinewes, his arme would not be ſtrong enough, to hold the reines which ſhould governe that provoked beaſt, the multitude, But he may take it by force; He cannot do it in perſon, and it is not to be imagined, any conſiderable number of his people will be active in their owne ſlavery. Beſides, what can he propoſe to himſelfe? The people will give more

then

then can be forced from them; So he loseth by it, and then how much doth he hazard against lesse then nothing? He hath least reason to break the Laws wilfully, because he enjoyes most by them, and experience having shewed the benefit of observing them, and the ills of the contrary. He cannot but doubt, the People would faile of their duty if he doe, in performance of trust, and cast of the bond of obedience, if he doe, that of Protection. These things duely weighed, render that malice inexcusable, which hath long time exercised the People with most unreasonable feares, of lands, and liberty, and Religion being in danger; and this, notwithstanding the Kings many sacred Protestations to the contrary before God and all the world, and the whole course of his proceedings, which evidently tend to the securing all.

Now, I think, it doth fully appeare, that the doctrine of that Remonstrance, laid downe by his Majesty by way of Recapitulation in seven Positions, is most justly offensive; being such as doth threaten ruine to both Church and State, not permitting us, either to obey the *King*, or serve *God* as we ought.

I. That the *Parliament* hath an absolute indisputable power, of declaring Law, so that all the right of the King and People, depends upon their pleasure,

*This power must rest in them, or in the King, or in some inferiour Court, or else all suits must bee endlesse, and it can no where rest more safely then in Parliament.*

The two Houses are not the Parliament. The Subject of such power is the intire body, which consists of three estates. Some things are cleare, and evident in Law, and want no declarer, if otherwise, all the Subjects right would lye in the breast of the Judge. If the two Houses should vote, yonger brothers ought to inherit by the Law of *England*, could this destroy the right of the first borne.

II. That *Parliaments* are bound to no presidents. *Statutes are not binding to them, Why then should Presidents? yet there is no obligation stronger then the iustice and Honour of a Parliament.*]

This is an excellent ground to justifie their innocence against all the world. For if they can make it appeare they are not bound to keep any law, no man can accuse them for any. What obligation can justice lay on them, who by a strange vertue of Representation, are not capable of doing wrong. It will become justice because they did it. When hee hath declared, what honour is, I shall be able ro judge of that bond: it may perchance not stand with their honour, not to be able to prove men guilty, after they have once accused and imprisoned them. Statutes stand in full force to the two Houses, as being not void, till repealed by a joynt consent of all the estates.

III. Thatthey are Parliaments, and may judge of publike neceſsity without the King,and diſpoſe of any thing.

*They may not deſert the King,but being deſerted by the King, when the Kingdome is in diſtreſſe,they may iudge of that diſtreſſe, and relieve it,and are to be accounted by the vertue of repreſentation,as the whole body of the ſtate.*]

To diſcent after he hath granted; what ever can in reaſon be deſired, is not to deſert the Houſes. Upon pretence of diſtreſſe, to take illegall courſes,is as if they ſhould perſwade us we are not in health, and therefore they muſt breake our heads to forward our recovery. They repreſent the People, to ſome purpoſe, not the King to any, and therefore are but a part of the ſtate.

IIII. That no member of Parliament ought to be troubled for Treaſon, &c. without leave.

*This is intented of ſuſpitions onely,and when leave can ſeaſonably bee had,and when competent accuſers appear not in the impeachment.* ]

If by ſuſpitions be meant onely a bare not confiding in, this injuſtice cannot be ſufficient ground. But upon Articles drawne, and proofes in readineſſe, which it is not fit to produce, while the accuſed parties are at liberty,they may be meddled with. For deſignes of this nature may brooke no delay; becauſe it might prove dangerous to the Kings ſafety, or at leaſt afford them liberty to eſcape. If the Houſes being adjourned were not able to give conſent;or upon too much confidence, ſhould not be willing,hath not the Law provided in ſuch a caſe for tryall of Treaſon?

V. That the Soveraigne power reſides in both Houſes of Parliament, the King having no Negative voyce.

*This power is not claimed as ordinary; nor to any purpoſe; but to ſave the Kingdome from ruine,and in caſe, where the King is ſeduced, as that he prefers dangerous men,and proſecutes his loyall Subiects.*]

*Not as ordinary*,that is,they will only be Kings as long as they pleaſe, and when they are weary of Reigning, the Kingdome ſhall be out of danger, and then it ſhall be his turne to command againe. *To ſave it from ruine*; the Law hath better provided for the Peoples ſafety, by prohibiting all illegall executions of power,grounded upon what ſpecious pretences ſoever. *And in caſe where the King is ſeduced*;that is,when he is not ſo wiſe as he ſhould be, becauſe he does not think as they do, and refuſes to ſatisfie the Humours and Intereſts of ſome. *And prefers* (this ſeems to bee the true cauſe of all; preferments do not goe the right way) *Dangerous men*, that is, ſuch as deſire he ſhould Governe according to the knowne Lawes of the Land. *And proſecutes his Loyall Subjects*; that is, is driven from *London* to *Yorke*, where he

he long time patiently expected the Undeceiving of his People.

VI. That leavying Forces against the personall commands of the King (though accompanied with His Presence) is not leavying war against the King: but war against his Authority, though not Person, is war against the King.

*If this were not so, the Parliament seeing a seduced King ruining himselfe, and the Kingdome, could not save both, but must stand and looke on.*]

It is against common sense, to fancy a King ruining himselfe and Kingdome; He can neither be willing, nor able; upon a mad supposall, mad consequences will follow.

VII. That according to some Parliaments, they may depose Kings.

*Tis denied that any King was deposed by a free Parliament fairely elected.*]

This is most certaine, but takes not off those words upon which this Proposition is grounded.

These might well have been omitted, as being more fully handled in the Booke. But least he should complaine any thing was past over, I chose by a short review to be his Remembrancer. The Propositions collected out of his Majesties Declarations, are but the briefe of his *Observations*, to all which I have already spoken.

To conclude, if the People hearken to reason, they must needs thinke, His Majesty will be more ready to prevent all reall danger, then any Subject whatsoever, because He is sure to beare the greatest share in the losse. It alwaies was the Master-policy amongst the wisest Legislators to grant to them the greatest power of Government, to whom the preservation of the present State would be most beneficiall; because their private Interests were the same with the publike, from which if they swerv'd by errour or mis-information, their owne disadvantage did soon appeare.

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